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VETO MESSAGES

OF

LEN SMALL

Governor
of
Illinois

ON

SENATE AND HOUSE BILLS

Fifty-Third general assembly

1923

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The General Assembly is directed to section 6 of the State Finance Act which provides the method of operating the industries at penal and charitable institutions and the handling of the working fund. The bill, which I return herewith, would be in conflict not only with the statutes referred to, but as well with the spirit and intention of section 6 of the State Finance Act.

For all of these reasons, I veto and withhold my approval of this bill.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

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SENATE BILLS VETOED.

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 20, 1923.*

To the Honorable, the Senate:

I return herewith without my approval Senate Bill No. 533, entitled, "An Act to add section 30a to the Civil Administrative Code of Illinois, approved March 7, 1917, as amended," and submit as reasons for my veto the following:

This bill prescribes a method for selling personal property of an initial cost of $100 or more belonging to the State and which has become unserviceable or surplus. It provides that the Department of Public Works and Buildings shall appoint two "surveying officers" to appraise the property and thereafter sell such property by competitive bidding.

This bill, and the powers which it confers, are in direct conflict with the powers and duties conferred upon and exercised by the Department of Public Welfare. By virtue of section 53 of the Civil Administrative Code, the Department of Public Welfare exercises the rights, powers and duties vested by law in the Board of Prison Industries of Illinois, its officers and employees. The Board of Prison Industries which existed by virtue of a statute passed and approved at the legislatve session of 1905 provides a method for operating industries at the State penal institutions and prescribes the manner in which surplus products shall be disposed of. If the present bill were approved, there would, as to disposal of prison products, be a conflict in the law. In fact, it may well be doubted whether this bill is constitutional as being an attempt to amend the Civil Administrative Code and the statute conferring powers upon the Board of Prison Industries without setting out in full the sections amended.

It is apparent that in the preparation of this bill the existence of the prior acts of the Legislature was overlooked. The General Assembly is no doubt well aware that the industries at the prisons are very large and involve a considerable expenditure and a still larger income. For the operation of prison and other industries, that is, for buying materials necessary and proper to incorporate into prison and other institution products this General Assembly has appropriated the sum of $3,000,000. During the coming biennium these materials will be purchased, will be worked over at the penal and other institutions into salable products and sold from time to time by the Department of Public Welfare at a greater cost than the cost of purchasing the materials; and the gross proceeds of such sales will be turned into the State treasury into a special fund which, under the State Finance Act, is designated the "working fund."

The General Assembly is directed to section 6 of the State Finance Act which provides the method of operating the industries at penal and charitable institutions and the handling of the working fund. The bill, which I return herewith, would be in conflict not only with the statutes referred to, but as well with the spirit and intention of section 6 of the State Finance Act.

For all of these reasons, I veto and withhold my approval of this bill.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 30, 1923.*

To the Honorable, the Senate:

I return herewith without my approval Senate Bill 81, entitled, "An Act to amend section 189 of 'An Act to establish and maintain a system of free schools,' approved and in force June 12, 1909, as amended," and submit as reasons for my veto the following:

This bill amends section 189 of the School Act to read in a certain way. House Bill 708, which was passed at this session, amends the same section to read in a different way. If both bills were approved there would, no doubt, be confusion and doubt as to which of the two amendments would prevail over the other. Upon comparing the changes that were made by these two bills, I became convinced that House Bill 708 was far more important than the proposed enactment.

For that reason, I have approved House Bill 708 and hereby veto Senate Bill 81.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 30, 1923.*

To the Honorable, the Senate:

I return herewith without my approval Senate Bill 302, entitled "An Act to amend Sections one (1), two (2), three (3), four (4), and five (5) of an Act entitled, 'An Act in regard to elections, and to provide for filling vacancies in elective offices,' approved April 3, 1872, in force July 1, 1872 as amended," and submit as reasons for my veto the following:

This bill provides that instead of printing the names of electors for President and Vice President of the United States the names of the candidates for President and Vice President be printed upon the ballot. Two years ago, House Bill 50 of the Fifty-second General Assembly attempted to make the same changes in the law. At that time I vetoed that bill and in my veto message said:

> "This bill radically changes the manner of selecting electors of President and Vice-President of the United States. It provides, in substance, that the names of electors shall not be printed upon the ballot at the presidential election, as has been the custom heretofore; but that the names of the candidates for President and Vice-President shall be printed on the ballot enclosed in a bracket with one square in front of the bracket; and that the electors of the party whose candidates for President and Vice-President receive the highest votes, shall then be appointed by the Governor.
>
> "I am advised that this scheme has been adopted in only two states of the Union, namely, Nebraska and Iowa, and that the validity of this manner of electing electors has never been determined by the courts.
>
> "Our State, the third largest in the Union, should never, by any chance, or by any defect in its laws, be deprived of representation in the electoral college. Should the law as amended by this bill be declared by the courts to be unconstitutional or otherwise insufficient, it might deprive this State of its voice in the choice of a President. Rather than risk that possibility, it seems to me wise and prudent to continue our present system of choosing presidential electors, at least until the validity of the proposed scheme has been approved by the highest courts of our land."

The reasons which I submitted at that time are still valid, and I must therefore again veto and withhold my approval from this bill.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

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STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *July 2, 1923.*

To the Honorable, the Secretary of State:

I hereby file in your office Senate Bill Number 122, entitled "An Act to amend section 78 of an Act entitled 'An Act in regard to elections, and to provide for filling vacancies in elective offices,' approved April 3, 1872, in force July 1, 1872, as amended."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

This bill amends section 78 of the Election Act, which is the section dealing with the canvassing of the returns of State elections. It adds the Superintendent of Public Instruction to the State Canvassing Board.

At the present time, the Canvassing Board consists of the Secretary of State, Auditor, Treasurer and Attorney General, any two of whom in the presence of the Governor may canvass the returns. Under the Act as it now exists a canvass has always been promptly made for the reason that any two of the members could proceed to make the same. The amendment, however, provides that all of the State officers, who are placed upon the Canvassing Board, must be present, namely, the Secretary of State, the Auditor, the Superintendent of Public Instruction, the Treasurer and the Attorney General. Based upon an experience of many years in the affairs of this State, I am of the opinion that it would be impractical to have these five State officers present with the Governor at one and the same time, as their business and duties take them into various parts of the State and often require their absence from Springfield for long periods of time. I believe that in many cases a canvass of the State returns would be postponed from time to time and the prompt and expeditious way in which the canvass has been made in the past could not be duplicated. For these reasons, I veto Senate Bill Number 122.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *July 2, 1923.*

To the Honorable, the Secretary of State:

I hereby file in your office Senate Bill Number 157, entitled "An Act to amend section 12 of Article III of 'An Act to revise the law in relation to township organization,' approved March 4, 1874, as amended."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

This bill amends section 12 of the Act in relation to township organization by providing that in certain cases where lands lie wholly outside of and not adjoining an incorporated municipality, whenever a majority of the land owners residing within such territory petition the county board to take such territory from one town and unite to another, then the county board shall detach such territory from one town and annex it to another without holding an election.

At present, the law provides that changes in the territory of townships may be made only after the question of detaching or annexing territory has been submitted to the voters residing in the territory affected. This bill, if approved, would take such right away from the voters and would place

the determination of the question of annexation or detaching in the hands of the land owners exclusively, and disregard all the electors who were not land owners.

A township is a governmental political subdivision. All classes of public policy must ultimately, in our country, be decided by the voters, regardless of whether they are or are not land owners. If this bill were approved, a political or governmental question would be decided not by the electors, but exclusively by the land owners.

In this country the ownership of property has never been regarded as a condition precedent to participation in public affairs. It has always been the policy of this State and country to permit a citizen to take part in public matters whether he owned property or whether he had none. This bill would be a violation of this long established and wholesome policy and I therefore veto and withhold my approval from Senate Bill Number 157.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *July 2, 1923.*

To the Honorable, the Secretary of State:

I hereby file in your office Senate Bill Number 346, entitled "An Act to create a Tax Investigation Commission, to define its powers and duties and to make an appropriation therefor."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

This bill proposes a Tax Investigation Commission composed of fourteen members, four from each of the Houses, one from the Illinois Bankers' Association, one from the Manufacturers' Association, one from the Agricultural Association, one from the Coal Operators' Association, one from the Realtors' Association, and one from the Federation of Labor. Power is conferred upon this Commission to make an inquiry into the subject of taxation and revenue, to suggest proposed legislation, and to make a report at the next session of the General Assembly. An appropriation of $10,000 to carry out the Act is included within its provisions.

All of the powers, which are by this Bill conferred upon the Tax Investigation Commission, are now vested in the Tax Commission of the State of Illinois. An examination of section 3 of the Act creating the Tax Commission will disclose that that Commission has power to "formulate and recommend legislation for the improvement of the system of taxation of property and for the equalization of the taxation of the State." It will also be be seen that the Commission has power to investigate the tax system of other states and countries, to take testimony and proofs under oath and require the production of books, papers, and documents pertaining to any investigation and for that purpose to subpoena and compel the attendance of witnesses, and that also this Commission has power to examine and make memoranda from all records, books, papers and documents on record or on file in any public office of the State, or any of the subdivisions of the State. The existing Tax Commission therefore, has perhaps more complete and more full and ample powers than would have the special Commission which would be established by this Bill.

Several years ago, the State of Illinois by the adoption of the Civil Administrative Code committed itself to the policy of preventing duplication in the work of the various State departments and to the idea of abolishing the overlapping functions of the various Boards, officers, Commissions and Divisions of the State government. If the Bill under consideration were approved, it would be a partial abandonment of this policy and would

be an encouragement and an invitation to future sessions of the General Assembly to continue to duplicate existing functions of State departments.

In order that any citizens of the State desiring to be heard on the question of improvement of the revenue system may receive an opportunity to present their views and any proofs they may have, I shall request the Tax Commission of this State to conduct an inquiry into the revenue system of this and other states and to make a report of its findings and recommendations to the next session of the General Assembly. I shall direct the Tax Commission in the making of this investigation to consult with chosen and duly authorize representatives of the various associations and federations mentioned in the Bill which I veto.

For the reasons assigned, I veto and withhold my approval of Senate Bill Number 346.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *July 2, 1923.*

To the Honorable, the Secretary of State:

I hereby file in your office Senate Bill Number 437, entitled "An Act to amend section 82 of 'An Act to establish and maintain a system of free schools', approved June 12, 1909, as amended".

I veto and withhold my approval of this bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it orginated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office with my objections, which are as follows:

By the provisions of this bill a township treasurer would be required to deposit school funds in a bank or banks selected by him, but would be required to obtain a rate of interest prescribed by the trustees of schools.

The township treasurer, as all other treasurers, is liable upon his bond for the loss of moneys, whether the loss is due to his own neglect or fault or is due to causes beyond his control. In giving to the school trustees the right to fix the rate of interest, this bill indirectly confers upon those officers the right to appoint the bank in which the deposit should be made, because such a rate of interest could be fixed by the school trustees as would be paid only by the bank which is favored by them. This arrangement would be highly inequitable, because the township treasurer would be liable for the money and the school trustees would determine where it should be kept.

For this reason, I veto and withhold my approval of this bill.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *July 2, 1923.*

To the Honorable, the Secretary of State:

I hereby file in your office Senate Bill Number 493, entitled "An Act to amend Section 73, 74, 76 and 76a of 'An Act concerning local improvements,' approved June 14, 1897, in force July 1, 1897, as amended."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it orginated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

This bill amends the local improvement Act to provide that cities of over 100,000 inhabtants may themselves bid, as if they were a contractor, upon work to be performed in their own municipality, or may designate some offi-

cer or department of the city to bid upon local improvements. In order to finance the original contracts the city is authorized to appropriate moneys into a revolving fund out of which payments for labor, materials and other expenses would be made and into this fund the proceeds of the construction work would be paid. This plan, of course, would work out as long as the contracts were profitable. But the city as a contractor would be subject to the same hazard as an individual, firm or corporation might be in doing construction work, and the city could as easily lose money on a construction contract as could an indivdual or corporation. If the city did lose money upon a construction contract, the bill does not indicate against whom this loss would be charged, but it may be implied from the bill that the loss would be borne by the city itself. Because of the ever present possibility of such loss, I am obliged to veto this bill.

Another objection to the bill is that it permits the city to go into business enterprises which have heretofore been of a purely private nature.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *July 2, 1923.*

To the Honorable, the Secretary of State:

I hereby file in your office Senate Bill No. 544, entitled "An Act to enable cities, villages and towns along the course of the West Fork of the South Branch of the Chicago River to fill up the bed of same for the purposes of extending and constructing a public highway over its course, and, for the purpose of such extension and construction of a public highway to authorize the acquisition and condemnation of property by such cities, villages and towns."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

By the provisions of this Act the corporate authorities of Chicago are given power to fill in the West Fork of the South Branch of the Chicago River extending west from the west line of the Collateral Channel of the Sanitary District of Chicago.

The bill provides that the part of the river so filled shall be converted into a public highway by the city; provides for approval of the plans by the Department of Public Works and Buildings, and that the Department shall issue a permit to such city which shall be held to be a grant to the city of all rights of the State of Illinois in such river or water course.

The bill provides that the filling in of such river shall obligate the city to construct a highway within five years, confers upon the city power of eminent domain and of making special assessments to pay the costs of such filling and improvement.

The State of Illinois is committed to the policy of constructing a deep waterway across the State of Illinois which will result in connecting the Lakes with the Gulf. When this waterway is completed, it will be a highway of commerce serving the people of the entire Mississippi Valley as well as those states lying easterly of the State of Illinois. In the operation of a water course of such dimensions, carrying as it will millions of tons of commerce of this Nation, there will be need for water terminals at which ships plying the canal may load and unload their cargoes. The Chicago River by connecting with this canal will afford means of reaching by water industrial districts lying at a distance from the main course of the canal. Each time that a part of a water course in the city of Chicago is filled in, the future users of the canal are deprived of very valuable terminal facilities. It appears to me to be a short-sighted policy to fill in bodies of water in the city of Chicago, while at the same time the State

is constructing a canal, the use of which will require more water terminals than are probably available in Chicago at the present time.

The Division of Waterways of the Department of Public Works and Buildings informs me that the part of the river to be filled in is in fact navigable or at least has in the past been in fact navigable. If this part of the public waters is navigable, I doubt whether the State of Illinois has authority to authorize its being filled. As to the public waters within the State and under the jurisdiction of State authorities, the Legislature, as well as all other public officers of the State, are trustees on behalf of all the people residing within the territorial limits of the State. They are not trustees merely for the benefit of the people or the property owners who live in the immediate vicinity of the body of water in question, but are the fiduciaries holding title and exercising authority over the waters for and on behalf of the entire citizenship. The situation of the Legislature and of the State authorities is the same as the situation of any other trustee who cannot sell or part with the property which he holds in trust for the *cestui que trust*. I am not ready to approve any enactment which might violate the trust placed in the officers of the State government.

For all of the reasons suggested, I veto and withhold my approval of this bill.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *July 2, 1923.*

To the Honorable, the Secretary of State:

I hereby file in your office Senate Bill No. 545, entitled, "An Act to amend section 27 of the Motor Vehicle Law, approved June 30, 1919, as amended."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

This bill makes an amendment, to which I would otherwise have no objection, to section 27 of the Motor Vehicle Law. The same section, however, was amended in a slightly different manner by House Bill 585, which because it included many other important amendments has been approved.

In order to avoid confusion and duplication in the statutes, I therefore veto and withhold my approval of this measure.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *July 2, 1923.*

To the Honorable, the Secretary of State:

I hereby file in your office Senate Bill No. 547, entitled "An Act to repeal section 43½ of the Motor Vehicle Law, approved June 30, 1919, as amended."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this Bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

This Bill would repeal Section 43½ of the Motor Vehicle Law. This section deals with the appointment of State highway patrol officers, whose duty it is to enforce the provisions of the Motor Vehicle Act.

The State of Illinois has already expended millions of dollars for the improvement and paving of its State highways. This project is the greatest public undertaking ever attempted in this State. After these roads are built, it is of utmost importance to the people of our State that they be properly maintained and that they be patroled and guarded in such way as to prevent unlawful breaking and destruction of the improved highways. Section 43½ is one of the means authorized by the Legislature for the protection and maintenance of State highways, and it seems to me that when the State is expending millions of dollars to improve its highways no power should be taken away from the State departments to maintain them after they have been improved at a great expense to the State.

For these reasons I veto Senate Bill No. 547.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

HOUSE BILLS VETOED.

STATE OF ILLINOIS.
EXECUTIVE DEPARTMENT.
SPRINGFIELD, *April 28, 1923.*

To the Honorable, the House of Representatives:

I return herewith, without my approval, House Bill No. 188 being a bill for "An Act to authorize judges of courts of record to appoint jury commissioners and prescribing their powers and duties and to repeal an Act entitled "An Act to amend an Act entitled 'An Act to authorize judges of courts of record to appoint jury commissioners and prescribing their powers and duties', approved June 9, 1897, in force July 1, 1897," and submit as reasons for my veto the following:

I feel that this bill as a whole tends to jeopardize the rights and liberties of the common people of this State, and particularly the section of the State to which it applies. It provides for startling changes in the method of selecting petit jurors and grand jurors in Cook County. At present the jury commissioners of the county, who are chosen by a majority of the judges of the courts of record of the county, are required to compile a list of all electors of the county between the ages of twenty-one and sixty years and from this list are required to select persons for jury service, placing the names of such persons upon cards, and placing and maintaining in the petit jury box fifteen thousand of such names, and in the grand jury box one thousand of such names. From these boxes jurors are drawn as required from time to time to serve in the courts of record of that county. Admittedly the present system is weak through defects in theory, as well as in practical operation. The proposed act, however, aggravates rather than minimizes the defects of the present system, and makes abuses of the jury system more easy of accomplishment. This Bill, which I return herewith without my approval, provides that the jury commissioners shall compile a list to be known as a jury list, which shall contain ten per cent of the number of electors who voted for President at the last Presidential election. From this ten per cent list the jury commissioners select the names of persons both for the petit jury boxes and for the grand jury box. This ten per cent list may be selected under this proposed act from any section of the county, or from any class of people, to the exclusion of other sections or classes. There is no guarantee, nor even an attempt at assuring an equal distribution of prospective jurors among the diversified classes and interests of the people, nor is there any assurance that all the various classes and interests will be represented upon the grand jury and the petit juries. In fact, this bill makes it possible for the jury commissioners, if they should be so minded, to eliminate from the juries all other classes of people except the ones they desired for jury service. The selection of jurors might, under this bill, be made along racial, religious, or political lines, or might be made to subserve some selfish or predatory interests whose purpose was the destruction of all opposed to them. While such results would not, of course, necessarily, or inevitably follow the enactment of this bill, nevertheless an opening to perpetrate these various abuses and make them lawful and easy of accomplishment is afforded.

House Bill No. 188 goes beyond this. It not only provides a loose method of drawing jurors, as indicated, but it provides that if the jury commissioners do not follow the law, their acts are still legal, unless the

litigant, or the person indicted, can show that the unlawful method of selection employed has done him actual and substantial injustice. As a practical matter, no person could show that any particular method of drawing jurors has done him actual and substantial injustice, although he may know perfectly well that such is the case. The result of this provision, which is to be found in the last paragraph of Section 7 of the bill, is that while the jury commissioners are enabled to draw jurors in the manner provided by the bill, still, if they do not select them in that manner, their acts are just as legal as if they had followed the law.

The present method of drawing petit juries and grand juries in Cook county is admittedly defective. It leaves to three jury commissioners the discretion of drawing the names of persons, placing such names in the petit jury box, or in the grand jury box, and it has been charged, and not denied, that during the course of many years, grand juries in Cook county were selected from one general class of citizenship hostile to another general class, and that many unfounded indictments were returned against citizens toward whom the grand jurors were hostile.

House Bill No. 188 does not remove this defect. It makes no attempt to secure a fair drawing of grand jurors from all classes of citizenship; in fact, it makes it more easy to limit the selection to one class. It is my hope that upon the return of this bill to the General Assembly, your body will give consideration to a measure, which perhaps can be agreed upon by all concerned, which will guarantee a selection of jurors, impartially and fairly from all classes of the electorate, which will not make it possible to discriminate against one class or to favor another; which will assure every party litigant that the jury which is about to try him, or the grand jury which is selected to make presentments, has been drawn generally and impartially from all parts and classes of the body politic. A new bill should, in my opinion, be drawn which will eliminate, insofar as it is humanly possible, the vesting discretion in the selection of jurors; which will make it impossible to disregard any class of citizenship, and which will not give to anyone the right to make selections from the jury list, but will provide for the drawing of names impartially, by chance, or at random, from the jury list; and provide that such jury list be made up of all the electorate qualified for jury service in the county. Instead of giving more discretion to the jury commissioners in making choice of names, I hope that the General Assembly will eliminate this discretion insofar as possible.

Another feature of the present law and of House Bill No. 188, to which I desire to draw the attention of the General Assembly, is that which provides that the petit jurors shall be drawn from one box and the grand jurors from another box. This provision in both the present law and in House Bill No. 188 makes it possible to select the names of grand jurors from a limited class of electors and to effectually disregard and discriminate against all other clasess. It has been openly charged upon hearing of this bill, that this practice has in times past been followed in the County of Cook, and that at various times unfair and partial selections of names were made for the grand jury box. There seems to be no good reason why the names of the grand jurors and the names of the petit jurors should not be in the same box, and why prospective jury men for either the petit or grand jury should not be drawn from one and the same source. This would tend to insure an impartial and fair selection of grand jurors from the whole citizenship. I recommend that, in case a bill be drawn, provision be made for drawing both the petit and grand juries from the same jury box.

Another feature of House Bill No. 188 provides that prospective jury men may designate two or more terms of court at which they prefer to serve. If this provision were enacted into law, it could result, and very likely would result, in some classes or interests designating certain specified terms at which they would prefer to serve, and those with whom they were in sympathy, who had cases for trial at such terms, might receive partial consideration and favoritism, while those to whom they were opposed might be denied justice and the equal protection of the laws.

A further objectionable feature in House Bill No. 188 is that the jury commissioners are given power to mail questionnaires to any elector in the county and the elector is required to answer the questions and return the questionnaire within five days; and in case of a wilfull failure to make such a return, he is subject to a fine of Fifty Dollars ($50.00). This bill does not provide what questions may be embodied in the questionnaire, and the commissioners may ask any question which may suggest itself to them and may, indeed, propound questions which would enable the commissioners to classify and discriminate against certain classes.

In critical times like these, it seems to me that no greater mistake could be made than to shake the faith of the common people in the fairness, integrity and impartiality of the American jury system, which has ever been regarded as the safeguard of the liberties of the masses of the people; and, if laws are enacted which cast suspicion upon the fairness of the method by which jurors are drawn, or may be drawn, such enactment would strike a blow at the peace and security of our commonwealth.

For the foregoing reasons, I veto and withhold my approval from House Bill No. 188, and return the same herewith.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *May 3, 1923.*

To the Honorable, the House of Representatives:

I return herewith House Bill Number 44 entitled "An Act to provide for the ordinary and contingent expenses of the office of the Attorney General until the expiration of the fiscal quarter after the adjournment of the next regular session of the General Assembly."

I veto and withhold my approval from the following items therein contained:

Page 2, Section 1, lines 18 to 20, both inclusive, from the top of the page:

"Special investigation and the collection of inheritance tax in Cook County .....$16,000 per annum."

Page 2, Section 1, lines 21 to 31, both inclusive, from the top of the page; page 3, lines 1 to 9, both inclusive, from the top of the page;

"For attorneys for the Departments of Finance, Agriculture, Labor, Mines and Minerals, Public Works and Buildings, Public Welfare, Public Health, Trade and Commerce, Registration and Education; for the Illinois Commerce Commission, for legal work in connection with construction of good roads; litigation in connection with the deep waterway; enforcement of the 'Blue Sky' law; for the enforcement of law and for assistance to State's attorneys; for the employment of special assistants, special attorneys, investigators, brief writers and extra help; for court costs in the United States courts and State courts; expenses of conducting investigations; preparation and trial of suits and appeals in the United States courts and courts in this and other states.....$125,000 per annum."

Page 3, Section 1, lines 10 to 13, both inclusive, from the top of the page:

"For the expense of litigation arising from the construction of the Illinois Waterway and litigation over title to and recovery of State property .....$50,000 per annum."

Page 3, Section 1, lines 28, and 29, from the top of the page:

"For costs and expenses in disbarment proceedings $5,000 per annum."

Page 3, Section 1, lines 30 and 31, from the top of the page:

"For employment of inheritance tax attorneys outside of Cook County.. .....$45,600 per annum."

Page 4, Section 1, lines 4 to 6, both inclusive, from the top of the page:

"For dissolution of defunct corporations, not including the costs of publication .....$30,000."

My reasons for vetoing the above items are these:

This bill, after eliminating these items, still provides for twenty-one attorneys in addition to four others provided for in the officers' appropria-

tion bill; provdes for the complete expenses and maintenance of offices at Springfield and Chicago; provides $50,000 per annum for the Illinois Central litigation and liberal appropriations for office expenses, travel and incidental expenses.

After eliminating these items, the total amount appropriated, including items in the officers' bill and the Herrin appropriation, to the office of the Attorney General at this session, amounts to $612,040. This amount, I believe, in view of such information as I have been able to obtain, to be sufficient properly to finance that office for the coming biennium.

At the time that this bill was transmitted to me for my consideration I did not have before me adequate detailed and specific information regarding expenditures made out of appropriations to the Attorney General in previous years. I did not have such information as would enable me to consider thoroughly and in detail the necessity for the appropriations asked. Not having this information, I sought to discover some orderly and legal way in which I could obtain the desired information.

Upon an examination of the Constitution of this State, I found that Section 21 of Article V of the Constitution gives the Governor ample power of obtaining any information he may desire from the executive officers of the government, provided such officers consider themselves bound by the provisions of the Constitution. Section 21, after providing for a regular biennial report to be made by the State officers to the Governor, provides: "And the Governor may at any time require information in writing, under oath, from the officers of the Executive Department, and all officers and managers of State institutions upon any subject relating to the condition, management and expenses of their respective offices."

This provision of the Constitution is not ambiguous and must be clear to any person who understands the English language. It is as broad in its scope as words can make it. It provides that the Governor may at any time require information upon any subject relating to the condition, management and expenses of the executive offices. It was evidently the intention of the framers of the Constitution, and the people who adopted it, to provide for a contingency such as has now arisen and to arm the Chief Executive with the power of obtaining required information from the various officers of the government.

Accordingly, knowing that the Attorney General was an officer of the Executive Department and believing that he was not above obedience to the Constitution, I transmitted to him on Friday, the 27th day of April, 1923, a communication, strictly within the provision of the Constitution which was in the following words:

"STATE OF ILLINOIS
OFFICE OF THE GOVERNOR
SPRINGFIELD

April 27, 1923.

"The Attorney General of the
"State of Illinois
"Springfield, Illinois.
"Sir:

"The Fifty-third General Assembly has presented to me for approval or veto an act entitled "An Act to provide for the ordinary and contingent expenses of the office of the Attorney General until the expiration of the first fiscal quarter after the adjournment of the next regnlar session of the General Assembly" which appropriates to your office the total sum of $997,240 which is in addition to the sum of $53,000.00 appropriated for your office in the Officers' Appropriation Bill now pending and in addition to the sum of $75,000.00 heretofore appropriated for the prosecution of the criminal cases of Williamson county.

"An intelligent and fair consideration of this bill and its various items will be greatly assisted by a more accurate and detailed report of your office than has heretofore been made. Whether these appropriations should be approved appears to me to depend largely upon the wisdom, economy and honestly with which similar appropriations have in the past been disbursed.

"Therefore, by virtue of the provisions of section 21 of Article V of the Constitution of this State, I, Len Small, Governor of Illinois, do hereby require of you, Edward J. Brundage, Attorney General of Illinois (and one of the officers of the Executive Department of this State) information, in writing under oath, upon the following subjects relating to the condition, management and expenses of the office of the Attorney General of Illinois:

"1. Please state the amounts, by items, appropriated to the office of the Attorney General of Illinois and approved by the Governor in each of the years 1917, 1919 and 1921.

"2. Please state the names and addresses of all persons who received moneys or fees from the office of the Attorney General of Illinois, paid out of the appropriations made in 1917, stating the item of appropriation out of which each such payment was made, and the amount received by each such person.

"3. Please state the names and addresses of all persons who received moneys or fees from the office of the Attorney General of Illinois, paid out of the appropriations made in 1919, stating the item of appropriation out of which each such payment was made and the amount received by each such person.

"4. Please state the names and addresses of all persons who received moneys or fees from the office of the Attorney General of Illinois, paid out of the appropriations made in 1921, stating the item of appropriation out of which each such payment was made and the amount received by each such person.

"5. In the case of each person receiving moneys from or through the office of the Attorney General of Illinois from the State treasury for personal or legal services, please state the period of time for which such moneys were paid, the number of days each such person appeared in court on behalf of the State, giving the name of the court. This information should cover the entire period from the second Monday of January, A. D. 1917, to the present time.

"6. In the case of each person receiving moneys from or through the office of the Attorney General of Illinois from the State treasury for personal services, please state whether such person devoted his entire time to the work of the State or whether he conducted a private law office during the time he received such moneys. This information should cover the period from the second Monday of January, 1917, to the present time.

"7. What balances of the various items appropriated respectively in 1917, 1919 and 1921 remained unexpended and lapsed?

"8. Kindly state whether any persons who were formerly your law partners have received any fees or moneys through the office of the Attorney General of Illinois—giving their names, and the amounts received by each through the office of the Attorney General of Illinois in each of the years of 1917, 1918, 1919, 1920, 1921, 1922 and the first three months of 1923.

"9. Please state the names and addresses of all persons who received fees or moneys through the office of the Attorney General of Illinois between January 8th, 1917, and the present time, who contributed to any of your campaign funds during the period mentioned in this paragraph.

"10. Please state the nature of the work, if any, performed by each person who has received fees or moneys from or through the office of the Attorney General of Illinois between January 8th, 1917, and the present time.

"11. Please state the names of the attorneys, experts or other persons who performed services in connection with the cases of People vs. Len Small, whether in Sangamon or Lake counties, and who were paid out of the item of appropriation: "For employing counsel, traffic experts, accountants, stenographers, clerks and other necessary assistants in the litigation between the State of Illinois or the People of the State of Illinois and Illinois Central Railroad Company in the courts of this State or in the courts of the United States, including court costs and the

pro rata share of commissioners' fees now due or that may hereafter accrue and for the purpose of defraying the costs and expenses of an accounting in such litigation and for the hearing and completion of such litigation, $25,000 per annum."

Please state the amount received by each such person out of said item.

"As the Constitution grants me but ten days in which to consider the Act in question, I must require that this information be in my hands not later than 10 o'clock p. m. on May first, 1923.

"Respectfully,

LEN SMALL,
Governor of Illinois."

At the time that this communication was transmitted by me to the Attorney General, it was my intention to obtain information which, as I stated in my communication, would disclose whether prior appropriations had been wisely, economically and honestly expended. It was my belief that if these appropriations had been prudently expended for the purposes for which they were made, the Attorney General would be more than pleased to disclose in the greatest detail the information requested. This communication opened to him an opportunity to show by facts and by figures the necessity for the appropriations demanded by him.

However, instead of availing himself of this opportunity he flatly refused to obey the Constitution, sought to construe it to suit his purposes and then entered upon a lenghy tirade of vile and undignified abuse directed against the person of the Governor.

The Attorney General has stated that he has given to the House Appropriations' Committee a copy of his payrolls. As far as my investigation extends he has only given to this committee the payrolls covering one biennium. He has not given to the committee his payrolls from 1917 to 1919, nor from 1921 to 1923. But, even the payroll itself insofar as it extends merely shows the names of the persons and the amounts received by them. It does not show the nature or character or necessity of the work performed by the various persons; nor is there any information in the payrolls which would indicate whether the payments were made for actual services or for items which could have been dispensed with. This information which was requested of the Attorney General was, as I have pointed out, refused for reasons which are best known to the Attorney General himself.

Not being favored with the information which I thus sought, I turned to information relating to appropriations made to Attorneys General of other states of the Union. In a published statement recently the Attorney General has complained that in making comparisons of his appropriations, the Governor disregarded the industrial states of the Union. To do him no injustice, I turned to the State of Pennsylvania, which is an industrial state. The population of Pennsylvania, as shown by the 1920 federal census, is 8,720,017 whereas the population of Illinois is 6,485,280, there being 2,234,737 people more in Pennsylvania than there are in Illinois. The same authority states that the people living in cities in Pennsylvania, total 5,607,815. Pennsylvania, therefore, is largely an urban and industrial state; yet, for the current biennium pending bills of appropriation for the years 1923 and 1924 in Pennsylvania provide for a total of $430,000 for two years for the attorney general of that commonwealth. This amount I understand has not yet been approved by the Legislature nor by the Governor, but is the amount requested by the Attorney General. The amount which I have approved in the bill for the Attorney General of Illinois is still 50% in excess of the amount which is being asked by the Attorney General of the large industrial state of Pennsylvania, a state which is approximately 33% larger in population than our State, and whose industrial population is almost as large as the entire population, both urban and rural, of Illinois.

The State of Ohio, too, is a large state, its population being 5,700,000 people, while that of Illinois is approximately 6,500,000, and in Ohio almost 2/3 of the people live in the cities and industrial centers. In our State approximately the same proportion of the people live in the cities and indus-

trial centers, that is appropimately 2/3 of the population. And yet the appropriations which are being asked by the Attorney General of Ohio for the two years, 1923 and 1924, total only $226,370. In other words, the population of Ohio is approximately five-sixths that of Illinois whereas the Attorney General of Ohio is asking for only about 1/4 the amount being requested by the Attorney General of Illinois.

Michigan also is largely an industrial and urban State, containing as it does the large automobile manufacturing establishments, the furniture industry and many other important industrial enterprses. Its population is approximately 3,700,000 of which about 60% resides in the cities and industrial centers. For the past two years the appropriation to the Attorney General of Michigan amounted to $201,900, which when taken in connection with the relative population of that State and of Illinois is but 40% of the amount requested by the Attorney General of Illinois.

Another striking comparison is the State of Massachusetts which has a population of approximately 3,850,000 of which 3,650,000 reside in the cities and industrial centers. More than 90% of the people of Massachusetts are urban and are engaged in industry. For the present year the Attorney General of that State is receiving an appropriation of $102,000, or for a biennium this would be $204,000. In proportion to the population the Attorney General of Massachusetts receives but 40% of the amount asked by the same officer in Illinois.

In the State of Missouri for the biennium, which is just ending, the appropriation made to the Attorney General was $172,000 and available information indicates a decrease in the amount to be appropriated for the coming two years. This is an extremely important fact because under the statute of Missouri making the appropriations, the Attorney General is specifically charged with performing all the duties which the Attorney General of Illinois is bound to perform under our law.

The statute of that State not only makes it the duty of the Attorney General to appear in any court in defense of any officer, Board or Department of that State, but also makes it his duty to protect the rights and interests of the State in any suit, case or proceeding and in any and all matters wherein the State is a party or is interested. All of these duties were performed by the Attorney General of Missouri upon an appropriation of $172,000 for the past biennium. The Missouri State budget shows that Attorney General Barrett of that State turned back $50,000 of this sum as unused, so that the total amount expended for the past two years in the State of Missouri was but $122,000; and instead of asking for an increased appropriation the Attorney General of Missouri asked for a decrease in his appropriation and the 1923 legislature has appropriated to him only the sum of $146,800. The Attorney General of that State was justly proud of the record of economy which he had made, and, in the State budget for 1923, called attention to the fact that the work in his office is conducted with the aid of seven assistants, whereas the Attorney General of Illinois has twenty regular assistants and almost fifty special deputies. The litigation of the State of Missouri, which was being handled by its Attorney General, is said to involve more than $50,000,000.

Even after eliminating the items, which are vetoed by this message, from the Attorney General's bill he is still receiving in appropriations an amount approximately equal to the combined sum received by the Attorneys General of the six neighboring states of Wisconsin, Michigan, Indiana, Kentucky, Missouri and Iowa. Certainly the legal business of this State is not greater than that in these six states, whose combined population is more than 16,000,000 people, being two and two-thirds times as great as the population of Illinois.

These figures are indicative of appropriations made to a similar office in other states. A comparison of the population both in the cities and in rural districts, with the population both urban and rural of this State and a comparison of the respective amounts appropriated clearly shows that the Attorney General of this State is receiving, after deducting the amounts which are vetoed, a sum substantially larger than the same officer in other states,

considering both the work to be performed, the population and the business of the respective states.

In only one state of the Union does the Attorney General receive as much or more than the Attorney General of this State and that is the State of New York, which has a population of 10,385,000 people, or 66 2/3% larger than the population of this State, and in which the urban or industrial population is 8,600,000, or more than two and a quarter million greater than the entire population, both city and rural, of Illinois.

Moreover, the State government of New York is apparently operated upon a gigantic scale of expenditures. During the biennium just passed appropriations, exclusive of good roads, in that state totaled more than $263,000,000. This is more than three times the amount appropriated for similar purposes in our State where the same operations of government were performed on a total of $80,000,000. The appropriations to all departments in New York are far larger than similar appropriations in any other state of the Union, and that state in which appropriations generally are more than three times as great as they are in Illinois is the only one of the forty-eight in which appropriations to the Attorney General's office are as great as they are in Illinois.

It seems to me to be clear, from the facts which I have set out, that the amount, to which the appropriation to the Attorney General has been scaled, is approximately correct, and is not only as much but considerably more than other states allow their Attorneys General, taking into consideration the population and business of the various states.

In published statements the Attorney General of this State has charged that appropriations to his Office were vetoed two years ago to prevent him from prosecuting indictments against the Governor. This charge is utterly false. As a matter of fact, it is apparent that unfounded indictments were returned to punish the Governor because he did exercise his veto power. Few, if any, indictments have ever been prosecuted in this State upon which the prosecution has been represented by a greater array of counsel than was the case at Waukegan. Representing the Attorney General were fourteen attorneys, six of whom were present every day during the taking of testimony and the other eight were employed in devious ways in connection with the case. These fourteen attorneys were assisted by an expert accountant and by an army of detectives. The defense in that case was represented by but three attorneys. The Attorney General was not hampered in his prosecution; he had four attorneys for every one employed by the defense.

Besides this, the items vetoed by the Governor two years ago could not, under any circumstances, have been used to prosecute the suits referred to. The Constitution and law of this State provide that an appropriation must be used for the purpose and object for which it was made and that no officer can divert any appropriation from such purpose. A careful examination of the veto message of the Governor of two years ago will disclose that there was not an item vetoed by the Governor which could have lawfully been used to prosecute the suits against Len Small. Attention is directed to section 208 of the Criminal Code, which provides, among other things, that "Every person holding any public office (whether state, county or municipal) .....who shall be guilty of diverting any public money from the use or purpose for which it may have been appropriated or set apart by or under uathority of law,.....shall be fined not exceeding $10,000 and may be removed from office....."

The items vetoed by the Governor two years ago could not have been used, in the suits referred to, without plainly violating this provision of the Criminal Code. Upon the trial at Waukegan there was evidence which tended to show that moneys had been diverted from the Illinois Central appropriation for the purpose of prosecuting Len. Small and one witness for the prosecution testified that for eleven months he had been attempting to gather evidence against Len. Small and during this period he was receiving pay every month out of the appropriation made to the Attorney General for prosecuting suits against the Illinois Central Railroad Company.

No one knows better than the Attorney General that Len. Small accounted to the State of Illinois for every dollar that was due from him as State

Treasurer and turned over to the State more than twice as much in interest as any State Treasurer who preceded him.

This bill provides an appropriation of $100,000 for prosecuting suits against the Illinois Central Railroad Company. I am of the opinion that this sum is too large, there having been previously appropriated by preceding General Assemblies a total sum of $640,000 for the prosecuting of these suits; but the Constitution does not give me the right of reducing any sum but leaves me the option of approving or vetoing the entire item.

Referring once more specifically to the six items of the bill which I have vetoed, I desire to add the following observations:

The item for dissolution of defunct corporations is obviously unnecessary. A defunct corporation is one which no longer performs or exercises its functions. It is, in other words, defunct and the act of dissolution is largely a formal matter. To dissolve a defunct corporation is merely pronouncing dead something which has already died.

The item of $45,600 per annum for Inheritance tax attorneys outside of Cook County can be dispensed with because it has been the practice for many years for the Attorney General and the State Trasurer to appoint the cashier of the bank in which a safety deposit box was located to conduct the examination of the contents of the box. This practice has been followed in a great majority of cases and has proven uniformly successful. Furthermore, the respective State's attorneys of the counties outside of Cook are available to perform any duties necessary in connection with the Inheritance Tax and attend to any appearances in court that are required on behalf of the State.

The other four items which are vetoed being the item of $5,000 per annum for disbarment proceedings, $16,000 per annum for collection of inheritance tax in Cook County, $50,000 per annum for waterway litigation and $125,000 per annum for attorneys for the various departments simply provide for a duplication of functions. The bill as it remains after taking out the vetoed items provides for twenty-five attorneys besides the attorney general himself. These attorneys should be amply able to care for any legal work in connection with the operation of the various departments. The same applies to the Waterway item, inheritance tax collection in Cook County, and the disbarment proceedings. All of these functions can be performed by the attorneys who regularly work in the Springfield and Chicago offices of the Attorney General and there is no necessity for providing large sums of money for additional counsel to perform the same duties.

For the foregoing reasons I have vetoed the six items above referred to, which eliminate from this bill the total sum of $513,200, leaving for the ordinary and contingent expenses of the Attorney General's office the total sum of $612,040, which sum includes the amounts in the officers' appropriation bill and the Herrin appropriation.

Respectfully submitted,

LEN SMALL,
Governor of Illinois.

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 1, 1923.*

To the Honorable, the House of Representatives:

I return herewith, without my approval, House Bill Number 281 entitled "A Act relating to civil service in park systems" and submit as reasons for my veto the following:

The emergency which inspired the passage of this Act has passed; the amendment to the pension law for park employees has been approved and is now a law and there is now upon the statute books a Park Civil Service law, the terms of which are substantially the same as those of this bill.

This bill, like the law in force, prescribes civil service regulations for park systems of more than 150,000 population, and therefore applies exclusively to several park systems in the City of Chicago.

At the outset I may say that I am in full sympathy with any enactment that honestly and effectively promotes efficiency and integrity in the discharge of officials duties and maintains proper discipline in the public service. This bill covers a few positions, failing to extend to hundreds of other of equal or greater importance. The employees in the park systems consist largely of persons who care for grounds, trim shrubbery, attend to lighting apparatus, act as guards, policemen, and a few in clerical positions.

There are in Cook County hundreds of other places with important duties, not covered by this bill. In the county offices are employed persons who record important legal documents upon which titles to property of great value depend; the safe-keeping and preservation of legal instruments concerning the descent and distribution of estates is entrusted to employees in those offices. Other county employees extend taxes, note and record the proceedings and judgments of the courts, while still others execute summonses, levies and other important writs. The Sanitary District of Chicago employs persons who deal with the technical problems of sanitation and waste disposal. If park employees are placed under civil service, why should employees whose duties directly affect health, liberty and property, be exempted therefrom? Is not the keeping of court records, the recording of title papers and the serving of legal writs as important as duties in the parks? This bill has overlooked hundreds of places of great importance.

If the General Assembly desires to enact civil service legislation, I suggest the consideration of bills requiring appointments to places in the Sanitary District of Chicago, in the county offices of Cook County and in the offices of the clerks and bailiffs of the courts of that county to be made by civil service examination.

To place positions in park systems under civil service, while permitting appointments to more important and difficult positions to be made, irrespective of civil service examinations, would seem to place both the General Assembly and the Governor in an inconsistent position.

I therefore veto House Bill 281 and return the same herewith.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 13, 1923.*

To the Honorable, the House of Representatives:

I return herewith without my approval House Bill Number 226, entitled "An Act to amend sections 9, 10, 35, 46 and 58 of 'An Act to provide for the holding of primary elections by political parties,' approved March 9, 1910, as amended," and submit as reasons for my vote the following:

I believe that the main purpose which the proponents of this bill hoped to accomplish was to give women voters representation upon the party central committees by doubling the number of committeemen and providing that half of the number should be women and the other half men. I am in hearty accord with this aim.

This bill, however, incidentally and apparently by oversight, includes and seems to re-enact provisions whereby delegates to the national nominating conventions are to be elected by the congressional committees instead of by the people themselves. It will be noted on page six of the engrossed bill, which I return herewith, that the statement is made that the congressional convention shall have power to choose and select delegates and alternate delegates to national nominating conventions. I feel it to be my duty to veto any measure which curtails or takes away the right of the people to select their own representatives. It has, for many years, been the policy of this State to extend to its people, wherever possible and practicable, the fullest power in the nominating and electing of public officials and in the determination of questons of public importance. This policy has my unqualified endorsement and the fullest measure of my support. Wherever, and in whatever manner, possible the government should be brought closer to the people, their voice in the selection of public servants should be made more potent, their right

to determine questions of government should be extended. My confidence in the intelligence and high purposes of the American people is such that I cannot knowingly give my approval or lend my support to any enactment which deprives them to any extent of the control of their governments, local, state or national.

House Bill 226, as I have pointed out, endangers the right of the people themselves to select their delegates to the national conventions. The approval of this bill might, and I fear would, make it possible for politicians to select the delegates instead of leaving the selection to the people themselves. These considerations move me to veto this bill.

However, I shall be glad to approve any measure which gives to women voters representation upon their party committees without endangering the remaining provisions of the primary act.

I have, therefore, undertaken and have had a frank discussion with the very worthy women who are supporting House Bill 226. They have called my attention to the fact, and I now direct the attention of the House to the same fact, that there is pending in he Senate, House Bill 766, which has already passed the House and which makes certain changes in the primary law. It has been suggested that House Bill 766 be amended in the Senate to include those provisions of the vetoed bill which extend to women the right of representation on party committees. With this in mind my office has cooperated in the drafting of amendments to House Bill 766, which, in the main, retain the substance of that bill, include the provisions of House Bill 226, giving to women the right to be represented on the party committees, but at the same time make it very clear that delegates to the national conventions are to be elected by the people and not by the party congressional committee. I attach hereto a copy of the suggested amendments to House Bill 766 in Senate.

It will be noted that the suggested amendments also clarify the section of the primary act, dealing with the expression of presidential preference. Heretofore, there has existed some confusion in the law with reference to the number of signers required on a petition of a presidental candidate. These amendments remove all such confusion.

Having these purposes in mind, I have addressed to the Senate a brief message calling their attention to this situation and recommending the amendment of House Bill 766 so as to include women on the party committees and to make it clear that delegates to the national conventions are to be elected directly by the people, and recommending that House Bill 766 so amended by passed. In case this is done by the Senate, I earnestly recommend that the House concur in the passage of that bill so amended and in that way accomplish the principal purpose which inspired the introduction and passage of House Bill 226, which I veto and return herewith.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

AMENDMENTS TO PRINTED HOUSE BILL NO. 766 IN SENATE.

Amendment No. 1. Amend the title to printed House Bill No. 766 in Senate by striking out the word and figure "Section 9" and inserting in lieu thereof the following words and figures: "Sections 9, 10, 29, 30, 35, 46, and 58."

Amendment No. 2. Amend printed House Bill No. 766 in Senate by striking out everything after the enacting clause and inserting in lieu thereof the following words and figures:

"Section 1. Sections 9, 10, 29, 30, 35, 46 and 58 of 'An Act to provide for the holding of primary elections by political parties' approved March 9, 1910, as amended, are amended to read as follows:

Sec. 9. (1) The State central committee shall be composed of two members, one man and one woman, from each congressional district in the State, and shall be elected as follows:

At the April primary held in the year 1924 and at the April primary held every four years thereafter, each primary elector may vote for two candidates, one man and one woman, of his party for members of the State cen-

tral committee for the congressional district in which he resides. The State central committee of each political party shall be composed of members elected from the several congressional districts of the State as herein provided, and of no other person or persons whomsoever. The members of the State central committee shall, within thirty days after their election, meet in the city of Springfield, and organize by electing from among their own number a chairman and a vice-chairman, of opposite sex and may, at such time elect such other officers from among their own number or otherwise as they may deem necessary or expendient. The outgoing chairman of the State central committee of his party shall, ten days before the meeting, notify each member of the State central committee elected at the primary of the time and place of such meeting.

(2) At the April primary held in April, A. D. 1924, and at the April primary held every four years thereafter, each primary elector may write or attach in the space left on the primary ballot for that purpose the names of two qualified electors (one man and one woman) of his party in the precinct for members of his political party precinct committee. The two (one man and one woman) having the highest number of votes shall be such committeeman of such party for such precinct. In case of a tie, the primary judges shall cast lots. The official returns of the primary judges shall show the names and addresses of the committeemen of such political party in the county; *Provided, however,* the provisions of this sub-section two (2) of section nine (9) shall not apply to precincts within the territorial limits of an incorporated city or village having a population of two hundred thousand or over.

(3) The county central committee of each political party shall consist of the members of various precinct committees and ward committees, if any, of such party in the county. In the organization and proceedings of the county central committee each precinct committeeman shall have one vote and one additional vote for each one hundred votes or major fraction thereof of his party cast in his precinct for Governor at the last general election and each ward committeeman shall have two votes for each precinct in his ward and one additional vote for each fifty votes or major fraction thereof of his party cast in each precinct of his ward for Governor at the last general election. The committee, at its first meeting, shall elect a chairman and a vice-chairman of the opposite sex.

(4) The congressional committee of each political party shall be composed of the chairman and vice-chairman of the county central committees of the counties composing the congressional district, excepting that in congressional districts wholly within the territorial limits of one county, or wholly within the territorial limits of one county and partly within the territorial limits of another county, then the members of the precinct committees of the party residing within the limits of the congressional district shall compose the congressional committee; *Provided, however,* that in congressional districts wholly within the territorial limits of an incorporated city or village having a population of two hundred thousand or over, or partly within the limits of such city or village and partly without the limits of such city or village, then the members of the precinct and ward committees of the party of the precincts and wards within the limits of the congressional district shall compose the congressional committee.
posed in whole or in part of precinct committeemen, each precinct committeeman shall have one vote and one additional vote for each one hundred votes or major fraction thereof of his party cast in his precinct for Governor at the last general election, and in the organization and proceedings of congressional committees, composed in whole or in part of ward committeemen, each ward committeeman shall have two votes for each precinct in his ward, and one additional vote for each fifty votes or major fraction thereof of his party as cast in each precinct of his ward located in such congressional district for Governor at the last general election.

(5) The city central committee of each political party shall be composed of the precinct committeemen of such party residing in such city, excepting that in incorporated cities or villages having a population of two hundred

thousand or over, then the city central committee shall be composed of the ward committeemen residing within the territorial limits of such city or village, which said ward committeemen shall be elected at large in their respective wards. Such ward committeemen shall be elected at the April primary held in the year 1924, and shall serve until their successors are for which aldermen are elected in such last mentioned cities or villages.

The word "Ward" in this section shall be construed to mean a division elected and qualified. Successors to such ward committeemen shall be elected at the April primary held in the year 1928 and at the April primary held every four years thereafter.

(6) Each committee and its officers shall have the powers usually exercised by such committees and by the officers thereof, not inconsistent with the provisions of this Act. The several committees herein provided for shall not have power to delegate any of their powers or functions to any other person, officer or committee, but this shall not be construed to prevent a committee from appointing from its own membership proper and necessary sub-committees, and particularly defining, by resolution, the duties of such sub-committees.

(7) The various political party committees now in existence are hereby recognized and shall exercise the powers and perform the duties herein prescribed until committeemen are chosen, in accordance with the provisions of this Act.

Sec. 10. (a) On the first Monday next succeeding the April primary, the county central committee of each political party shall meet at the proper county and proceed to organize by electing from its own number a chairman and a vice chairman of the opposite sex, and either from its own number or otherwise, such other officers as said commitee may deem necessary or expedient. Such meeting of the county central committee shall be known as the county convention. The county convention of each political party shall choose delegates to the congressional and State conventions of its party; *provided*, only precinct and ward committeemen of the respective precincts and wards within the limits of a congressional district shall participate in the selection of delegates to a congressional convention; *and, provided, further*, that each of such precinct committeemen in the county convention shall have one vote and one additional vote for each one hundred votes or major fraction thereof of his party cast in his precinct for Governor at the last general election, and that each of such ward committeemen shall have two votes for each precinct in his ward and one additional vote for each fifty votes or major fraction thereof of his party cast in each precinct of his ward for Governor at the last general election.

(b) All congressional conventions shall be held on the first Wednesday after the first Monday next succeeding the April primary. The congressional convention of each political party shall have power to recommend to the State convention of its party the nomination of candidate or candidates from such congressional district for elector or electors of President and Vice-President of the United States.

(c) All State conventions shall be held on the first Friday after the first Monday next succeeding the April primary. The State convention of each political party shall have power to make nominations of candidates for the electors of President and Vice-President of the United States and for trustees of the University of Illinois, and to adopt any party platform.

(d) Each convention may perform all other functions inherent to such political organization and not inconsistent with this Act.

(e) At least thirty-three (33) days before the April primary the State and congressional committee respectively, of each political party shall file in the office of the county clerk in each county of the State, or in each county of the congressional district, a call for the State and congressional conventions. Said call shall state, among other things, the time and place (designating the building or hall) for holding the State and congressional conventions, respectively, the total number of delegates which shall compose each of said conventions, and the call for State conventions shall state,

among other things, the number of delegates to which each county is entitled in the State convention and the call for the congressional convention shall state, among other things, the number of delegates to which each county or political subdivision of any county, as the case may be, is entitled to in the congressional convention. Such call shall be signed by the chairman and attested by the secretary of the respective committees.

Sec. 29. Any candidate for President of the United States may have his name printed upon the primary ballot of his political party by filing in the office of the Secretary of State not less than forty (40) days prior to the date of the April primary, in any year, a petition signed by not less than two thousand five hundred (2500) nor more than four thousand (4000) primary electors, members of and affiliated with the party of which he is a candidate, and no candidate for President of the United States, who fails to comply with the provisions of this Act shall have his name printed upon any primary ballot: *Providede*, that the vote for President of the United States, as herein provided for, shall be for the sole prpose of securing an expression of the sentiment and will of the party voters with respect to candidates for nomination for said office, and the vote of the state at large shall be taken and considered as advisory to the delegates and alternates at large to the National Conventions of respective political parties; and the vote of the respective congressional districts shall be taken and considered as advisory to the delegates and alternates of said congressional districts to the National Convention of the respective political parties.

Sec. 30. All petitions for nominations shall be filed as follows:

(1) Where the nomination is to be made for a State, congressional, judicial or appellate court office, or for any office a nomination for which is made for a territorial division or district which comprises more than one county or is partly in one county and partly in another county or counties, then such petition for nomination shall be filed in the office of the Secretary of State not more than sixty (60) and not less than forty (40) days prior to the date of primary.

(2) Where the nomination is to be made for a county office, trustee of a sanitary district (except clerk of the appellate court of the first district) or ward committeeman, then such petition shall be filed in the office of the County Clerk not more than sixty (60) nor less than forty (40) days prior to the date of the primary.

(3) Where the nomination is to be made for an office to be filled by the electors of an entire city or village, including aldermen, such petitions for nomination shall be filed in the office of the city or village clerk not more than thirty (30) nor less than twenty (20) days prior to the date of the primary.

(4) Where the nomination is to be made for an office to be filled by the electors of a town, then such petition for nomination shall be filed in the office of the town clerk not more than thirty (30) and not less than twenty (20) days prior to the date of the primary.

(5) The petitions of candidates for State central committeeman shall be filed in the office of the Secretary of State not more than sixty (60) and not less than forty (40) days prior to the date of the primary.

(6) The Secretary of State and the various clerks with whom such petitions for nominations are filed shall endorse thereon the day and hour on which each petition was filed.

(7) Any person for whom a petition for nomination for a committeeman has been filed may cause his name to be withdrawn by request in writing, signed by him and duly acknowledged before an officer qualified to take acknowledgments of deeds, and filed in the office of the Secretary of State, not less than thirty-five (35) days, or with the proper clerk not less than twenty (20) days prior to the date of the primary, and no names so withdrawn shall be certified by the Secretary of State to the county clerk, or printed on the primary ballot.

(8) Each person seeking to be elected as delegate or alternate delegate to the national nominating convention of his party shall file, along with his nominating petition, a statement in writing signed by him in which he shall state the name of the candidate of his choice for nomination for

President of the United States, or, in lieu thereof, may file a statement to the effect that he has no preference for candidates for President of the United States. The Secretary of State shall not permit a petition of a candidate or delegate or alternate delegate to the national nominating convention to be filed unless accompanied by the statement required in paragraph 8 of this section.

Sec. 35. The primary ballot of each political party for each precinct shall be arranged and printed substantially in the manner following:

1. At the top of the ballot shall be printed in large capital letters, words designating the ballot—if a Republican ballot, the designating words shall be "REPUBLICAN PRIMARY BALLOT," if a Democratic ballot, the designating words shall be, "DEMOCRATIC PRIMARY BALLOT," and in like manner for each political party.

2. Beginning not less than one inch below designating words the name of each office to be filled shall be printed in capital letters and in the following order, to-wit: President of the United States, State offices, congressional offices, judicial offices, clerks of the appellate courts, members of the State central committee, trustees of sanitary districts, county offices, city and village offices, town offices, or of such of the said offices as candidates are to be nominated for at such primary, and ward committeemen.

Below the name of each office shall be printed in small letters the directions to voters: "Vote for one"; "Vote for two"; "Vote for three"; or a spelled number designating how many persons under that head are to be voted for.

Below the name of each office shall be printed in capital letters the names of all candidates, arranged in the order in which their petitions for nomination were filed, except as otherwise provided in Section 33 of this Act, for the nomination for said offices which are entitled to be placed upon the respective party primary ballot. Below the name of each candidate for delegate and alternate delegate to National nominating conventions shall be printed the name of the candidate for President of the United States for whom such delegate or alternate delegate has expressed a preference or if no choice has been expressed shall be printed the words "No preference." The names of all candidates upon the primary ballot shall be printed in a column. Immediately opposite and in front of the name of each candidate shall be printed a square and all squares upon the primary ballot shall be of uniform size. Spaces between the names of candidates under each office shall be uniform and sufficient spaces shall separate the names of candidates for one office from the names of candidates for another office, to avoid confusion.

3. At the bottom of the primary ballot and under the heading, "for precinct committeemen," a space sufficiently large shall be left in which the primary electors may write or atatch the names of two primary electors (one man and one woman) of his party in the precinct as his choice for precinct committeemen. No square need be placed in front of the names of the persons voted for, for precinct committeemen. Under the heading "for precinct committeemen" shall be printed in small letters the direction to voters "Vote for one man and one woman." Provided, however, the provisions of this sub-section three (3) of Section 35, shall not apply to precincts within the territorial limits of an incorporated city or village having a population of two hundred thousand (200,000) or over.

Sec. 46. On receiving from the primary judges a primary ballot of his party, the primary elector shall forthwith and without leaving the polling place retire alone to one of the voting booths and prepare such primary ballot by marking a cross (X) in the square in front of and opposite the name of each candidate of his choice for each office to be filled. At the primary at which precinct committeemen are to be elected the primary elector may write or attach at the bottom of his primary ballot, in the space provided for that purpose, the names of two primary electors (one man and one woman) of his precinct, members of and affiliated with his political party, for precinct committeemen. No other mark or designation

shall be necessary to indicate the primary elector's choice for precinct committeemen.

Any primary elector may, instead of voting for any candidate for nomination or for committeemen whose name is printed on the primary ballot, write in the name of any other person affiliated with such party as a candidate for the nomination for any office, or for committeeman, and indicate his choice of such candidate or committeeman by placing to the left of and opposite the name thus written a square and by placing in the square a cross (X). And at the primary at which precinct committeemen are to be elected he shall write or attach at the bottom of his primary ballot, in the space provided for that purpose, the names of two primary electors (one man and one woman) of his precinct, members of and affiliated with his political party, for precinct committeemen. No squares need be placed in front of the names of persons so voted for, for precinct committeemen.

Sec. 58. The person receiving the highest number of votes at a primary as a candidate of a party for the nomination for an office shall be the candidate of that party for such office, and his name as such candidate shall be placed on the official balot at the election then next ensuing; provided that where there are two or more persons to be nominated for the same office or board, the requisite number of persons receiving the highest number of votes shall be nominated and their names shall be placed on the official ballot at the following election.

In the case of candidates for nomination for members of the board of assessors, where five are to be elected, four of whom are to be elected from any one city and the city has the requisite number, then the candidate for nomination living outside of such city having the highest number of votes of his party shall be nominated and his name shall be placed on the official ballot at the following election.

The persons (one man and one woman) receiving the highest number of votes of their party for State central committeemen of their congressional district shall be declared elected State central committeemen from said congressional district.

The requisite number of persons receiving the highest number of votes of their party for delegates and alternate delegates to National nominating conventions shall be declared elected delegates and alternate delegates to the National nominating convention of their party.

The person receiving the highest number of votes of his party for ward committeeman of his ward shall be declared elected ward committeeman from said ward.

When two or more persons receive an equal and the highest number of votes for the nomination for the same office or for committeeman of the same political party, or where more than one person of the same political party is to be nominated as a candidate for office or committeeman, if it appears that more than the number of persons to be nominated for an office or elected committeeman have the highest and an equal number of votes for the nomination for the same office or for election as committeemen the board by which the returns of the primary are canvassed shall decide by lot which of such persons shall be nominated or elected, as the case may be. In such case such canvassing board shall issue notice in writing to such persons of such tie vote, stating therein the place, the day, (which shall not be more than five days (5) thereafter) and the hour when such nomination or election shall be so determined."

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 13, 1923.*

To the Honorable, the House of Representatives:

I return herewith without my approval House Bill No. 341, entitled "An Act to add section 6¾ to 'An Act in relation to State finance,' approved

June 10, 1919, as amended," and submit as reasons for my veto the following:

The provisions of this bill are included word for word in House Bill 523, which passed your House on April 19 and the Senate on May 16, and which was approved by me on June 2, 1923. I have caused to be made a careful comparison of this bill and the provisions of said House Bill 523, which is now on file in the office of the Secretary of State. This comparison discloses the absolute similarity above pointed out. To approve this bill would be merely to repeat provisions already enacted into law by a bill passed at this session. It would cause unnecessary labor in the office of the Secretary of State, and would tend to bring about confusion in the Session Laws and the Statutes. I therefore veto and withhold my approval from this bill.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 25, 1923.*

To the Honorable, the House of Representatives:

I return herewith without my approval House Bill No. 305, entitled, "An Act to add section 46a to sub-division 2 of Article VI of 'An Act to revise the law in relation to roads and bridges,' approved June 27, 1913", and submit as reasons for vetoing said bill the following:

This bill would make it the duty of a township highway commissioner to execute a bond with two or more sureties in twice the amount of money that could be raised by the maximum tax levy for roads and bridges in his township, but not exceeding $10,000. It would require that this bond guarantee the performance of his duties and that he would not issue warrants in excess of 75 per cent of the amount that would be raised by a levy which he might make.

This is an unreasonable requirement to place upon a township highway commissioner. Under the road and bridge act the highway commissioner is not the custodian of the road and bridge taxes. By section 42 of that act, in counties under township organization, the supervisor is treasurer of the road and bridge fund, while in counties not under township organization the district clerk is such treasurer. Section 52 of the same act provides that such officer, as treasurer of the road and bridge fund, shall execute and file a bond in double the amount of moneys which are likely to come into his hands as road and bridge taxes. Therefore, the present law provides for ample protection to the township in the custody of the road and bridge funds. The highway commissioner at no time has possession of the moneys of the township, but is the person who draws the warrant or order for the payment of moneys. To require him also to execute a bond serves no good purpose and merely adds a heavy and unnecessary burden and responsibility upon the commissioner.

The bill furthermore provides that the bonds should be conditioned that the commissioner would not issue warrants for more than 75 per cent of the amount which would be raised by a levy. There is no other provision in the law limiting the amount of warrants which may be drawn to 75 per cent of the amount of the levy. This implied prohibition would be the only statement in the law limiting a commissioner to warrants aggregating not more than 75 per cent. The amount of taxes which may be levied by a town has been established by law and this amount is proportioned to the needs of the townships. There is no reason why only three-fourths of this amount should be used or why the township should be limited to the expenditure of only three-fourths of its levies for building roads. The purpose of permitting a tax levy for roads and bridges, or indeed for any other purpose, is to permit the expenditure of the amount of money which can be so raised by such levy. If the Legislature desires to cut down the amount which may be expended by a town, it would seem that the proper way in which to amend the law would be to reduce

the amount of the levy and not, as is attempted by this bill, to provide that only three-fourths of the levy may be spent.

Moreover if only three-fourths of the levy may be spent, there would be accumulated one-fourth of the levy of each year, and it is not clear whether or not this section would prohibit the expenditure of such one-fourth.

For all of these reasons I veto and withhold my approval from said House Bill No. 305.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 26, 1923.*

To the Honorable, the House of Representatives:

I return herewith without my approval House Bill 229, entitled, "An Act to amend section 9 of 'An Act to revise the law in relation to recorders', approved March 9, 1874, as amended," and submit as reasons for my veto the following:

This bill amends section 9 of the Recorders' Act. It provides, among other things, that the office of the Recorder shall be closed on Saturday afternoon during the entire year. This Act also applies to the entire downstate and for the reasons which I have set out in my veto message to House Bill 230, I veto and withhold my approval of this bill.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 26, 1923.*

To the Honorable, the House of Representatives:

I return herewith without my approval House Bill 230 entitled "An Act to amend section 6 of 'An Act to revise the law in relation to clerks of courts' approved March 25, 1874, in force July 1, 1874 as amended," and submit as reasons for my veto the following:

This bill amends section 6 of the Act relating to clerks of courts by providing that the offices of the clerks of all courts throughout the State shall be closed on Saturday afternoon during the entire year. This bill, if approved, would seriously interfere with the service rendered by the clerks of courts to the citizens of all downstate counties. In all of these counties it has been the custom among the citizens for many years to transact most of their business at the county seat on Saturday afternoon. A visit to any downstate county seat on Saturday afternoon will demonstrate that there are more of the citizens who come to the county seat on that half day than at any other time during the week. If there is any time during which the offices of the clerks of courts should be opened and ready to render service to the people of their respective counties it is on Saturday afternoon. While I have no objection to the Saturday half holiday in and of itself, yet I feel that the clerks of courts are public servants and their first duty is to serve the people of their various counties in a manner most convenient and desirable to the people.e I therefore veto House Bill 230 and return the same herewith.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 27, 1923.*

To the Honorable, the House of Representatives:

I return herewith without my approval House Bill 559 entitled "An Act to amend sections 14, 16 and 19 of Article XIII of 'An Act to provide for the incorporation of cities and villages,' approved April 10, 1872, as amended," and submit as reasons for my veto the following:

The purpose of this bill was to provide that police magistrates in cities under the commission form of government be elected at the same time and in the same manner as mayors in such cities. A companion bill, House Bill 560, had the same purpose and that bill has been approved.

However, in the preparation of this bill a serious mistake was made with reference to section 19. At the present time that section provides for the manner of printing ballots for the general city election under commission form of government, the kind of ballots to be used, and for a non-partisan election of candidates. In amending this section so as to put in the sentence providing for the election of police magistrates upon the same ballot, there were omitted by inadvertence five or six paragraphs. If House Bill 559 were approved it would leave section 19 without any provision as to the ballots for the general city election and it might mean that the general city election in cities under the commission form would be subject to the general election laws. This would be inconsistent with the nominations at the primary, which are made on a non-partisan basis.

I have notified the proponents of this bill of this discrepancy and they agree with me that it would be unwise and undesirable to approve House Bill 559.

I have therefore vetoed and withhold my approval of said House Bill 559.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 27, 1923.*

To the Honorable, the House of Representatives:

I veto and return herewith, without my approval House Bill No. 572, entitled "An Act to amend Section 1 of 'An Act to tax gifts, legacies, inheritances, transfers, appointments and interests in certain cases, and to provide for the collection of the same, and repealing certain Acts therein named,' approved June 14, 1909, in force July 1, 1909, as amended," and submit as reasons for my veto the following:

This bill would reduce by 50% the present rates of inheritance taxes upon estates in Illinois.

In my Inaugural Message to the Fifty-second General Assembly, I recommended "the amendment of our revenue laws so that rich tax-dodgers would be compelled to file honest returns just as they are compelled under Federal laws to make true and accurate returns of their incomes, and I further recommend that the State inheritance tax be materially increased." Upon that recommendation the Fifty-second General Assembly did materialy increase the inheritance taxes to their present rates.

In my message to the Fifty-third General Assembly in January of this year, the following recommendations and statements were made: "A considerable portion of the funds required for State expenses are now being raisd by indirect taxation. This method of providing funds is used by a number of other states, some of which raise all of the revenue they require by this means. With our present rate of 45 cents on the one hundred dollar of assessed valuation, we will raise about fifteen or sixteen million dollars. This is but a little more than the amount paid out by the State for educational purposes this fiscal year, which amounts to $14,500,000.

I would suggest that the General Assembly investigate other means of indirect taxation and give serious consideration to still further increasing the inheritance tax."

If taxes are to be reduced, there are other taxes in which reduction should be made before they are made in the inheritance tax rates. No tax falls more lightly or more justly upon the people and none should be more willingly borne than an inheritance tax. Other taxes are a direct and sometimes a serious burden upon the producer. A direct personal or real property tax taxes the property of a person who is engaged in business and whose property is the result of his own effort. An income tax takes from a person annually a part of the earnings for which he has labored and toiled. An inheritance tax, on the other hand, does not tax the person who has earned or accumulated the fortune, but falls rather upon the person who receives such property by bequest, device or descent. The person out of whose inheritance this tax is paid is not paying it out of his earnings, or out of his accumulations, but is paying the tax out of property which he receives gratuitously and in by far the large majority of the cases without having earned any part of it.

It is true that the inheritance tax falls more heavily upon those who inherit large amounts than those who receive smaller amounts by devise or bequest, but if because of the wonderful opportunities and the unbounded resources of this country an ancestor is able to accumulate great wealth, why should not his children willingly pay to the government in inheritance tax a part of the fortune which the protection of the government made it possible to accumulate?

It has been argued that the imposition of heavier inheritance taxes induces persons of wealth to evade the payment of such taxes by changing their places of residence, by the establishment of trusts, or by other devices. As to every tax imposed by any government the same argument in a different form could be made. There never was a tax which those upon whom it was imposed did not seek to avoid. If the fact that people seek to avoid a tax would mean that the tax should be repealed, then it would be necessary for the government to repeal all taxes and be without any revenue of any kind.

It is my feeling that the government is justified in taking a larger share from the fortunate person who inherits great wealth without having earned it and thus relieving, at least to some extent, the toiler who must pay his taxes out of the fruit of his own labor.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 27, 1923.*

To the Honorable, the House of Representatives:

I return herewith without my approval House Bill 655, entitled, "An Act to amend section 1 of article V of "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, as amended," and submit as reasons for my veto the following:

This bill as it has finally come to me for action provides for licensing and taxing practically every person or firm dealing at wholesale or retail in any goods, wares, or in any of the essentials of life. It confers as well power to license manufacturers and those engaged in the storage and warehousing of commodities. Under this bill the city council of any city, incorporated town or village in this State is given power to license and tax at not to exceed $1000 per year practically any business place regardless of size or character within the corporate limits of such respective municipalities.

This bill as it comes to me does not contain the provisions of the bill which passed the Legislature. It was the understanding of the General Assembly and of the public at large that this bill was effectively limited

to the city of Chicago, and that it could not apply to any municipality having a population of less than 200,000 inhabitants. This was also my understanding before this bill was presented to me for approval or veto.

However, a careful examination of the provisions of this bill discloses that amendments have been made which greatly enlarge the licensing and taxing powers of municipalities, and that in only one paragraph is this power limited to cities having a populaion of more than 200,000. Consequently, this bill was not the bill which the General Assembly understood that it was approving and passing.

Moreover, the records of the Legislature disclose that paragraph 91a was amended in the Senate by an amendment limiting the powers in question to the City of Chicago. On the other hand, there was in the Legislature no amendment to paragraph 54 limiting that paragraph to Chicago. This is the situation disclosed by the Journals. The bill as it comes to me limits paragraph 54 to the City of Chicago but has no such limitation in section 91a. Consequently the bill as certified to me does not contain the same provisions as it was when it left the Senate and House of Representatives with their approval.

This in itself is a situation which should cause the executive to pause before placing his approval upon the bill. Certainly he should not lend his support to a measure which is different from the one passed by the General Assembly. I am, moreover, informed that in the case entitled the County of Cook vs. Healy, 222 Illinois, at page 310, the Supreme Court held that a situation similar to this rendered a bill invalid. It was there said:

> "It was admitted that the defendant had collected and retained the fees sued for, and on his part it was proved that the sum of money named in section 2 of the act as his salary was $12,000 when the act was passed by the legislature, but that said sum had been altered to $10,000 when the act was signed and approved by Governor Yates. A material provision of that section had been altered, and the legislature and Governor did not concur in the same provision as to the amount of compensatoin to be paid to the State's Attorney. Section 2 was therefore void and must be treated as a nullity."

I am informed that the Supreme Court of Illinois has at a later date held unconstitutional an Act which, when presented to the Governor, failed to contain amendments which were shown by the Journals of the General Assembly. This was the case of the People vs. Leuders in Volume 283 of the Illinois reports at page 287.

The result of this situation is, I believe, that even were this bill approved, it would under the authority of these cases in our Supreme Court be invalid and of no force and effect.

In addition to the reasons above set out I veto this bill because it provides a method of taxation which is not fundamentally sound and which if carried to extremes uncurtailed as in the proposed Act might wreck and ruin may legitimate lines of commercial and industrial enterprise. Taxpayers generally throughout Illinois are decidedly hostile to greater and heavier taxes, especially for purposes for which the ordinary means of raising revenue should be adequate. They are opposed to more taxes to meet current expenditures, and for governmental projects not in the nature of permanent improvements which future generations may benefit from.

The County of Cook wherein the City of Chicago is located decreased the assessed value of its taxable property for the year 1922 by approximately $50,000,000; whereas an increase of at least a corresponding or greater amount should have been shown. This is the year of the quadrennial reassessment of real estate. The City of Chicago with its stupendous increase of property values due to the completed new improvements should show an increase of several hundred million dollars in the assessed value of its real and personal property. This alone should be the source of largely increased revenues. There is no system of taxation which has yet been devised which in actual operation has lightened the burden of the taxpayer of small and moderate means and there is nothing in this bill which promises exception to this general rule.

I feel that the approval of this proposed measure would only supply another obstacle to the delay in the much needed revision of our whole State taxing and revenue system.

This bill by providing a maximum tax of $1000 without providing a system of gradation provides possibilities for taxing solely for the benefit of the rich and powerful, because a tax of $1000 upon the business of a millionaire corporation would be a very light tax; whereas, a tax of one-half or one-fourth of that amount would be very heavy when placed upon the moderate business of a storekeeper or small manufacturer.

For all of these reasons I veto and withhold my approval from said House Bill 655.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 28, 1923.*

To the Honorable, the House of Representatives:

I return herewith without my approval House Bill 285, entitled, "An Act to add section 12 to Article XI of 'An Act to revise the law in relation to township organization,' approved March 4, 1874, as amended," and submit as reasons for my veto the following:

This bill provides that every supervisor who holds a fund made up of dog license fees shall pay such fund into the general township fund. Two other bills were passed by this session of the Legislature disposing of the dog license fees, among them Senate Bill 457, which I have approved. The provisions of this bill are inconsistent with Senate Bill 457, and I am therefore obliged to return this bill without my approval.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 28, 1923.*

To the Honorable, the House of Representatives:

I return herewith without my approval House Bill 467, entitled "An Act to amend sections 6 and 50 of 'An Act to regulate the practice in courts of chancery,' approved March 15, 1872, as amended," and submit as reasons for my veto the following:

This bill attempts to amend sections 6 and 50 of the Chancery Act. The amendments to section 6 are not considered objectionable, but the changes made in section 50, I believe constitute an undesirable departure from the existing law.

The amendment to this section provides that where any lands or any estate therein are subject to contingent future interests, legal or equitable, whether arising by way of remainder, reversion, possibility of reverter, executory devise, upon the happening of a condition subsequent, or otherwise, and whether a trust is involved or not, and it is made to appear that such lands or estate are liable to waste or depreciation in value, or that the sale thereof and the safe and proper investment of the proceeds will inure to the benefit and advantage of the persons entitled thereto, or that it is otherwise necessary for the conservation, preservation or protection of the property or estate or of any present or contingent future interest therein that such lands or estate be sold, mortgaged, leased, et cetera, the court shall have power, pending the happening of the contingency and the vesting of such future interests, to declare a trust, and to appoint a trustee or trustees for such lands or estate and to vest in him title to the property, and to authorize and direct him to sell such property at public or private sale, and upon such terms and conditions as the court may direct.

The effect of this bill, if approved, would be to place within the power of a court of chancery to rewrite and alter the last will and testament, or the deed of any man under certain circumstances. If by will or deed any person were to create a contingent future interest, legal or equitable, in his property and a petition were presented to a court of chancery, the chancellor might practically, at his whim, order the sale of the property contrary to the expressed intention of the testator or the grantor in the deed and in this way might effectually change, defeat, alter or set aside the expressed intention of the person making the will or deed.

I do not believe that the courts desire, nor do I believe that it is desirable that they should have the power to rewrite a will, or to change a deed, of a citizen. It may be true that some provisions made in a will are unwise or improvident, but on the whole, the self interest of the testator, or of the grantor of the deed, will more often reflect sound business judgment than would the opinion of the court, because the court would necessarily not be familiar with the details of the business of the person making the will or the deed. It would, no doubt, be safer to leave to the owner of the property the question of its disposition than to leave that question to a court which could not be familiar with the details and the facts relating to the property in question.

I have therefore vetoed and withhold my approval of this bill.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 28, 1923.*

To the Honorable, the House of Representatives:

I return herewith without my approval House Bill 618, entitled "An Act to amend section 6 of an Act entitled 'An Act to provide for the acquisition, equipment, conduct and maintenance of public playgrounds in and by cities, towns and villages having a population of less than one hundred fifty thousand,' approved June 24, 1921," and submit as reasons for my veto the following:

This bill attempts to amend section 6 of the Act providing for playgrounds in cities of less than one hundred and fifty thousand people. The purpose of the amendment is to make it clear that the tax levy provided in the Act should be in addition to the amount authorized to be levied for general purposes by section 1 of Article VIII of the Cities and Villages Act.

Senate Bill 229, which has been approved, amends and re-writes the entire Act providing for playgrounds in cities of less than one hundred and fifty thousand. It includes a provision making it clear that the playgrounds tax shall be in addition to the general tax authorized by section 1 of Article VIII of the Cities and Villages Act. The purpose of House Bill 618 is therefore fully accomplished by the approval of Senate Bill 229.

Moreover, with the approval of Senate Bill 229, section 6 is not worded the same as section 6 in the old Act. House Bill 618 would therefore form no connected part of the playground act as rewritten and amended.

For these reasons I veto this bill and return the same herewith.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 28, 1923.*

To the Honorable, the House of Representatives:

I return herewith without my approval House Bill 619, entitled "An Act to amend section 1 of an Act entitled 'An Act to provide for the setting

apart, formation and disbursement of a police pension in cities, villages and incorporated towns in the State of Illinois, having a population of not less than 5,000 and not more than 200,000 inhabitants,' approved June 14, 1909, as subsequently amended," and submit as reasons for my veto the following:

This bill attempts to make it clear that the levy for police pension in cities of 5,000 to 200,000 is to be in addition to the general levy for city and village purposes. This same object is accomplished by Senate Bill 328, which also makes other important amendments in the pension law.

I have therefore approved Senate Bill 328 and return House Bill 619 herewith without my approval.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 29, 1923.*

To the Honorable, the House of Representatives:

I return herewith without my approval House Bill No. 598, entitled "An Act to provide for the creation, setting apart, maintenance and administration of State employees' annuity and benefit fund," and submit as reasons for my veto the following:

Since this bill has been presented to me for consideration, a violent protest against its approval has been voiced by many State employees. One petition requesting that it be vetoed contains over 400 signatures. Other employees have complained of this bill to their representatives. On the whole, I believe that a majority of State employees are opposed to this measure as it is now drawn.

This bill was designated in the hope of creating and establishing a pension system for State employees. I regret very much that I am unable to approve a measure providing some workable pension plan, as I realize that there are a number of employees of the State who have served for a long period of time, who are of advanced age and are entitled to consideration from the State. However, I have carefully studied this measure and find that the scheme outlined in this bill is impracticable and impossible of operation.

By section 1, the Act is made to apply only to the employees in the classified civil service. If a pension act is adopted for State employees, it, of course, should include all of those in the classified civil service, but there is no reason for excluding employees who are not within the provisions of that Act. In the Highway Department and in other divisions not under civil service, there are many efficient and faithful employees who are serving the State and who should be entitled to consideration under a pension law equally with those persons who are appointed by virtue of civil service. It seems to me unfair to limit the operation of a pension act to employees under civil service and deny the possibility of a pension to those who are engaged in departments which, by law, are placed beyond the scope of the civil service law.

Furthermore, the Act provides that an employee on reaching the age of fifty-five years, if he has served for twenty years, is eligible to a pension, and in section 12 of the Act the burden is placed upon the employee to show why, on arriving at this age, he should not be retired. Fifty-five years of age is too soon to retire the ordinary normal person. There are many employees of the State performing excellent services whose age is greater than fifty-five years. Most of the elective State officers in the executive department are above that age; some of the Justices of the Supreme Court are older than that; and all are quite vigorous and perform the duties placed upon them by law. Besides, under the rules of the civil service commission, persons are eligible to appointment in the State service up to the age of sixty years. Consequently, this Act provides for the retirement at a less age than is provided in the civil service rules for appointment.

The principal objection to this Act, however, lies in the fact that upon its face it presents a scheme which is doomed to financial failure. The pension fund provided for by this Act would be obtained by deducting three per cent from the salary of each employee under civil service. There is no other source or sources of revenue contemplated by this Act, except the remote possibility of receiving gifts or donations from third parties. At the end of twenty years of service, whether performed before or after this Act would go into effect, the employee would be entitled to a pension. Section 13 provides that the pension would be a sum per year obtained by multiplying the length of service of such employee by two per cent and taking this percentage and multiplying it by the salary earned by such employee during the year before retiring.

If, therefore, under this Act an employee would work for twenty years, which is the maximum time he would have to work, (unless he had not yet attained fifty-five years of age) he would have contributed during that period sixty per cent of one year's salary; if the employee worked for thirty-three years under this Act and had contributed his three per cent each year, he would have contributed ninety-nine per cent of one year's salary. During this period, in either case, the interest accretions would perhaps not more than double the amount of his contributions. In the first case supposed, therefore, there would be in the fund created by the employee's contributions an amount equal to one hundred and twenty per cent of one year's salary. Then, under the provisions of this Act he would be entitled to forty per cent of one year's salary for each year thereafter. This forty per cent annuity or pension fund would, therefore, exhaust the fund standing to the credit of an employee within three years. In the second case supposed, namely, the case of an employee working thirty-three years, the fund equitably standing to the credit of the employee would be exhausted in five years after retirement.

The pension fund contemplated by this Act would not have the advantage had by an ordinary insurance company, in which persons contribute and then withdraw before they are entitled to insurance, leaving the money contributed by them in the company; for this Act provides that when an employee is discharged or resigns, he shall receive back all amounts contributed by him into the pension fund. Likewise, when an employee dies his widow, children or dependent parents receive the amounts contributed by him into the pension fund.

These observations make it clear that the pension fund on its face would eventually become insolvent and inoperative. The pensions provided for by the Act could not be paid out of the contributions made by the individual employees.

But the financial condition which would develop in the administration of this fund is even worse than has been above suggested. It provides that when a person has served twenty years, whether a part or all of the time is before the going into effect of this Act, or thereafter, and the employee has attained the age of fifty-five years, he shall be entitled to a pension. The Act makes no provision (as do all other pension Acts in force in this State) for contributions by employees to cover the period of service prior to the taking effect of the Act. There would be several hundred employees in the State service who would be entitled to a pension at once, and yet these employees would never have contributed one dollar into the pension fund. Other employees may have worked ten or fifteen years and they would contribute only for ten and five years respectively into the pension fund. The result of this would be that the young employees with no years of service behind them at the time this Act goes into effect, or with only a few years of service behind them on July 1, of this year, would be contributing their money to pay pensions to the older employees who, under this Act, would not be required to pay a dollar into the pension fund, or in other cases would be required to pay into the pension fund for only a few years. This is manifestly unfair to the employees who have worked only a few years; but in addition to this it clearly demonstrates that the fund would become bankrupt in very short order.

This, of course, is the principal objection to the operation of the pension fund. I am convinced that when the Act is studied by State employees in the light of the suggestions which I have made in this veto message, they will appreciate that the plan outlined in this Act is unfair, unworkable and one which will inevitably result in bankruptcy and a collapse of the entire pension system which might be established under the Act. If a pension system is desired among State employees, nothing worse could happen to them than to originate and begin the operation of a pension fund which would fail within a few years after it was begun. The utterfinancial failure of a pension fund would very likely discourage future General Assemblies from attempts to enact other pension laws.

Other minor objections could be pointed out in the Act, but they are not so vital as the ones to which reference has already been made. It may be suggested that under this Act employees have no election as to whether they will take advantage of the same or not. Three per cent is arbitrarily deducted from their salary every month and retained in the fund. It may be doubted whether such provision ought to be included in a pension law.

Attention also is directed to section 10, the meaning of which is not at all clear. This section is so drawn and is so ambiguous that after some study it has been impossible to understand what was intended to be done by this section.

Attention is also directed to one part of section 17 which provides "Neither the widow of an employee who married him after he became entitled to an annuity nor his children shall receive any annuity." This would bar his children even though they may have been born of a former marriage contracted long before the time that the employee became entitled to an annuity. Such children would not be upon the same basis as other children of other employees.

As I have above stated, I am very sorry that I must veto this Act, as I appreciate there are a number of older employees in the State service who are entitled to some assistance from the State because of their long and faithful service in the employ of this commonwealth. But a pension plan which is financially unsound would be a detriment rather than an assistance to these worthy employees.

I venture to suggest to the employees of the State that a careful study be made of the pension acts applying to school teachers, municipal employees and others which were enacted at the Fifty-second session of the General Assembly and amended at the present session. Those acts represent the most advanced development in pension laws and annuity systems, are the result of many years of experience and have been scientifically worked out by persons who have devoted many years of study to the drafting of pension systems. By following these methods it may be possible to devise a scheme for State employees which would be practicable in operation and financially sound.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 30, 1923.*

To the Honorable, the House of Representatives:

I return herewith without my approval House Bill 145, entitled "An Act to amend sections 18 and 46 of 'An Act in regard to the administration of estates,' approved April 1, 1872, as amended," and submit as reasons for my veto the following:

This bill attempts to amend sections 18 and 46 of the Administration Act, and in substance permits heirs or distributees of an intestate estate, who are non-residents, to nominate administrators of estates. Heretofore, only resident heirs, next of kin or distributees were permitted the right of

nomination, and in case all of the heirs, next of kin or distributees were non-residents, the right of administration went to the Public Administrator of the various counties.

This bill, if approved, would, I am informed, take away at least ninety per cent of the business of the Public Administrators of the various counties of the State. The office of Public Administrator is a necessary and indispensable office, and it seems to me unfair, and unwise to take away most of the business of that office and yet require him upon the depleted business and revenues of the office to continue to perform necessary public duties.

The Public Administrator, as a rule, can only administer upon estates where the deceased leaves no heirs or next of kin, who are residents of the State and in most of such instances as soon as death occurs, administration and attention are absolutely necessary. Valuable property must be looked after and the estate investigated almost instantly, otherwise, as is disclosed by experience, much of the estate is dissipated, if not stolen.

The Public Administrator also being a public officer of the State takes care that all taxes due the State are promptly and fully paid. If this law were approved, it is believed that much of the taxes due to the State would be lost and the State would suffer an inestimable loss of public revenues.

For all of these reasons I veto and withhold my approval of this bill.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 30, 1923.*

To the Honorable, the House of Representatives:

I return herewith House Bill Number 220 entitled "An Act making appropriatons for the pay of officers and members of the next General Assembly and certain officers of the State government".

I veto and withhold my approval from the following items therein contained:

Page 1, section 1, lines 25 and 26, both inclusive, from the top of the page "For Assistant Attorney General (Cook County) ..... $3500.00 per annum"

Page 1, section 1, lines 27 and 28, both inclusive from the top of the page "For Assistant Attorney General (Cook County) ..... $5000.00 per annum"

Page 1, Section 1, lines 29 and 30, both inclusive from the top of the page "For two assistant Attorneys General (Cook county) at $4,000 each ..... $8000.00 per annum"

I submit as reasons for vetoing these items the following:

Since the time that over $500,000 was eliminated from the Attorney General's appropriation bill and the veto of this amount was sustained by the General Assembly, more information has come into my possession convincing me that appropriations to the Attorney General are, wherever that officer has an opportunity, used in a wasteful and extravagant manner and for partisan and political purposes. Whenever he has a chance to use public moneys to build up a partisan political machine, the Attorney General of this State loses no opportunity to do so.

Early during the session, representations were made to the General Assembly that the sum of $75,000 was necessary to be appropriated to the Attorney General to enable him to prosecute violations of the law in Williamson County. Newspaper mouthpieces of the sordid political faction represented by the Attorney General were loud in their demand that money be appropriated for alleged enforcement of the law. The amount was appropriated.

At the time this sum was voted, Otis F. Glenn was a member of the General Assembly. He was a member of the Legislature which passed the law authorizing payment for services which might be contracted in the Williamson County cases.

By section 15 of Article IV of the Constitution, Glenn, as a member of the General Assembly was prohibited from being

"interested either directly or indirectly in any contract with the State or any county thereof, authorized by any law passed during the term for which he shall have been elected or within one year after the expiration thereof."

This section of the Constitution applies to contracts for personal services as well as to contracts for material, goods, wares or anything else. It applies to all contracts, whether express or implied, whether made directly or indirectly. If Senator Glenn agreed to perform any personal services to be paid out of this appopriation, such contract was void and the payments, hereafter mentioned, made to him were contrary to the provisions of the Constitution.

But I do not believe that Senator Glenn did any work in Williamson County after the passage of this Act. He was in Springfield spending most of his time making slanderous, untruthful, factional speeches against the Republican state administration, posing as an uplifter and pretending to be a reformer. He was termed a "Vigilante" by his associates, a term undoubtedly applied to him because of his vigilance in promoting his own finances out of the State Treasury, contrary to the Constitution.

There is another respect in which this paymnt to Senator Glenn, a member of the General Assembly, was unlawful and in violation of the Constitution. What services, if any, were performed by Senator Glenn in Williamson County were performed before the passage of the Herrin appropriation. He is said to have assisted the prosecution through part of the trials in Williamson County but when the time came for arguments to the jury, he was busy attending to political matters in Springfield, ineffectually attempting to organize the State Senate, presumably so that the appropriations from which he could benefit could be made larger than they were made.

When Glenn was therefore paid out of the so-called "Herrin appropriation" the payment to him, if it was for anything other than politics, was made for services performed long before the passage of the appropriation. The Constitution provides in Section 19 of Article IV

"The General Assembly shall never grant or authorize extra compensation, fee or allowances to any public officer, agent, servant or contractor *after the service has been rendered* and contract made, nor authorize the payment of any claim or any part thereof hereafter created against the State, under any agreement or contract made without express authority of the law; all such unauthorized agreements shall be null and void".

Knowing, as he should, that these two constitutional provisions existed and that each prohibited him from receiving any part of the moneys appropriated for the prosecution of the Williamson County law suits, Senator Glenn, while he was sitting as a member of the General Assembly, on the 18th day of April, 1923 received and accepted and retains the benefit of, a voucher, drawn against the Williamson County appropriation, in the sum of $5,000.

But, apparently, the vituperative utterances of Senator Glenn were so pleasing to his political masters that they decided he should receive additional compensation, contrary to the Constitution and the laws, and on the 13th day of June there was handed to Senator Glenn another check out of the State Treasury drawn against the Attorney General's Herrin appropriation for $7,500.

This is but one instance of the flagrant disregard of the Constitution and the laws which marks the expenditure of appropriations by the Attorney General whenever the opportunity is offered to him. In this case, under the guise of prosecuting law suits, none of which he won, the Attorney General received money from the State Treasury and instead of expending it in the manner in which the Legislature intended, he brazenly used the same contrary to the Constitution and very clearly for the payment of political services rendered by one of his henchmen in the Senate.

I have vetoed these items for the purpose of placing them beyond unlawful and political uses.

Respectfully submitted, LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 30, 1923.*

To the Honorable, the House of Representatives:

I return herewith without my approval House Bill 259, entitled, "An Act to amend section 89a of 'An Act to establish and maintain a system of free schools,' approved June 12, 1909, as amended," and submit as reasons for my veto the following:

This bill makes certain amendments to section 89a of the school law. The same section was amended by House Bill 819. Both bills were introduced and supported by the same people. They have suggested that House Bill 259 be vetoed and House Bill 819 approved so that there might be no confusion in the law as to which of these two sections would prevail.

I therefore veto this bill and return the same herewith.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *June 30, 1923.*

To the Honorable, the House of Representatives:

I return herewith without my approval House Bill 356, entitled, "An Act to add section 3a to 'An Act provided for the licensing of dogs and for the payment of damages done by dogs to sheep out of the license fee,' approved May 29, 1879, as amended, and to amend the title thereof," and submit as reasons for my veto the following:

This bill deals with the disposition of the dog license fund in the various counties. Substantially the same provisions are embodied in Senate Bill 457, which has been approved. Consequently, I have vetoed House Bill 356 and return the same herewith.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *July 2, 1923.*

To the Honorable, the Secretary of State:

I hereby file in your office House Bill No. 21, entitled, "An Act to amend section 22 of 'An Act in relation to motor vehicles and to repeal a certain Act therein named', approved June 30, 1919, as amended".

I veto and withhold my approval of this bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office with my objections, which are as follows:

This bill amends section 22 of the Motor Vehicle Act, so as to raise the speed limit outside of municipalities from thirty to thirty-five miles per hour. This same amendment is accomplished by Senate Bill No. 432, which I have approved and which also made other important changes in the Motor Vehicle Law.

Since the approval of this bill would serve no purpose but would merely enlarge the statutes, I veto the same.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *July 2, 1923.*

To the Honorable, the Secretary of State:

I hereby file in your office House Bill No. 61, entitled, "An Act to amend section 8 of an Act entitled 'An Act in relation to motor vehicles and to repeal a certain Act therein named', approved June 30, 1919. In force January 1, 1920".

I veto and withhold my approval of this bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office with my objections, which are as follows:

This bill amends section 8 of the Motor Vehicle Act by making several more changes in the existing provisions of the section. The same act is amended in a still different way by House Bill No. 585, which in addition makes other important amendments to the Motor Vehicle Act. I have regarded the approval of House Bill No. 585 as very important and I have therefore approved the same, but as this bill is inconsistent with the provisions of House Bill Number 585, I veto the same.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *July 2, 1923.*

To the Honorable, the Secretary of State:

I hereby file in your office House Bill No. 326, entitled, "An Act to amend section 50 of 'An Act in relation to a municipal court in the city of Chicago', approved May 18, 1905, as amended".

I veto and withhold my approval of this bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it orinigated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office with my objections, which are as follows:

This bill would amend section 50 of the act relating to the municipal court of Chicago, by conferring upon judges of that court power to designate and appoint police officers of Chicago, or any park district in that city, to accept bail from any person arrested by such police officer in cases of a misdemeanor. The bill also provides that by order of court, in cases of a misdemeanor, cash bail may be accepted by such officer in case of any arrest.

Under the provisions of this bill a police officer arresting a person for an alleged violation of the Motor Vehicle Law could accept the cash bail of such person while upon the highways. This constitutes a radical departure from the trial system as it heretofore existed in the State of Illinois. Never before has any police officer legally been permitted to take bail from any person at the time he was arrested, but in every case heretofore the person placed under arrest was brought before some magistrate, who fixed and provided for the taking of the bail bond. It seems to me that the taking of bail is so far and to such an extent a purely judicial function, requiring the exercises of judicial discretion and authority, that the power to take it should not be conferred upon a purely ministerial officer in whom is vested no judicial power, authority or discretion. While there may be some abuses which ought to be remedied, still the placing of judicial power in a police officer so radically changes our well-known system of administering laws that I believe the public welfare will be subserved by the vetoing of this bill.

I therefore withhold my approval from the same.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *July 2, 1923.*

To the Honorable, the Secretary of State:

I hereby file in your office House Bill No. 327, entitled, "An Act to amend section 43 of 'An Act in relation to motor vehicles and to repeal a certain Act therein named', approved June 30, 1919, as amended".

I veto and withhold my approval of this bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office with my objections, which are as follows:

This bill increases the possible penalty for a violation of the speed laws of this State, by providing that a person convicted of exceeding the speed limit may be imprisoned in the county jail for a period not exceeding thirty days or that both a fine and imprisonment may be imposed as punishment upon such offender.

Section 22 of the Motor Vehicle Act describes the rates of speed upon public highways, and states that in the built-up business portions of a municipality the rate shall be not more than ten miles an hour, in the residence portions of municipalities fifteen miles an hour and outside of the residence portions of the city or village twenty miles an hour and outside the city or village thirty-five miles an hour. The present punishment for violating this speed limit is a fine of no less than $5.00 or more than $200.00. This appears to be an adequate penalty, especially when it is remembered that in most of the cities, especially the large ones, traffic customarily travels much faster than the rate prescribed by the statute. In fact, upon the main thoroughfares in the city of Chicago custom and usage have determined a rate of speed much greater than that provided for in section 22 of the Motor Vehicle Act. Technically almost every person traveling upon the boulevards in Chicago is a violator of the statute, and, if this bill were approved, would be subject to imprisonment in the county jail.

In vetoing this bill, I am not blind to the fact that there is much reckless driving which in some cases has resulted in homicide, but the laws are very severe in punishing the infliction of death by a wrongful act. If the fear of being sent to the penitentiary for manslaughter or murder will not deter a driver from reckless driving, then I do not see how the fear of a thirty days' sentence in the county jail would do any more.

On the otherhand, this bill, if approved, would place in the hands of courts and juries the powers of imposing a penalty which impresses me as being unusually cruel and disproportionate to the offense committed by driving faster than the speed prescribed in the statute; consequently, I veto this bill and withhold my approval therefrom.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
Springfield, July 2, 1923.

To the Honorable, the Secretary of State:

I hereby file in your office House Bill Number 374, entitled "An Act to amend section 4 of 'An Act to revise the law in relation to county clerks', approved March 24, 1874".

I veto and withhold my approval of this bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office with my objections, which are as follows:

This bill would establish a Saturday half-holiday in the office of the county clerks of all counties of the State. Heretofore, I have vetoed two

other bills passed at this session providing for a half-holiday in county offices. For the reasons which are stated in the veto messages accompanying the return of those bills, I veto and withhold my approval from House Bill Number 374.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
Springfield, July 2, 1923.

To the Honorable, the Secretary of State:

I hereby file in your office House Bill Number 561, entitled "An Act to amend an Act entitled 'An Act to restrict the manufacture, sale, transportation, possession and use of intoxcating liquor, aiding thereby in establishing uniformity in State and Federal laws in regard thereto,' approved June 27, 1921."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, whcih are as follows:

This bill adds two new sections to the Act restricting the manufacture, sale, transportation, possession and use of intoxicating liquor. The added sections provide that all fines and penalties under the Prohibition Act based, in whole or in part, on evidence secured by detectives or investigators of the Attorney General shall be paid to the Attorney General and used by him for the purpose of aiding in the enforcement of the Prohibition Act. It provides that the Attorney General shall receipt for such funds and keep a complete account of all such moneys received or disbursed.

If the fines and penalties imposed under the Prohibition Act belong to the State by virtue of that Act, they are required to be paid into the treasury, and under the provisions of Section 17 of Article IV of the Constitution "no money shall be drawn from the treasury except in pursuance of an appropriation made by law". If the provisions of this bill were carried out, the fines would be remitted directly to the Attorney General, who would be authorized to expend them for the purpose of aiding in the enforcement of the Act. This clearly would be contrary to the practice in this State, and it appears to me would be a violation of this section of the Constitution.

Ordinarily, in the operation of the State government when the receipts from a certain source are intended to be used in a certain direction, they are kept in a separate fund in the State Treasury and appropriations are made out of such separate or special fund. This was not done in this case, but there is an attempt to permit the expenditure of this money without any appropriation to the Attorney General, or to any one else.

For these reasons I veto and withhold my approval of this bill.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT.
Springfield, July 2, 1923.

To the Honorable, the Secretary of State:

I hereby file in your office House Bill Number 684, entitled "An Act to amend section 3 of the 'Workmen's Compensation Act,' approved June 28, 1912, as amended."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presen-

tation to me, the same is filed in your office, with my objections, which are as follows:

This bill seeks to amend section 3 of the Workmen's Compensation Act. The amendment would place under the Act without election all persons engaged in the operation of threshing machines, corn shredders, ensilage cutters, silo fillers, hay balers, corn shellers, clover hullers and portable saw mills, when operated as a commercial enterprise for a fixed price per unit of measure.

A sentence is included providing that such operations shall not be within the Act without election where they are operated individually or by cooperation primarily for the purpose of doing such work for the owners of such machinery. The difficulty with this latter provision, however, is that it is almost impossible to establish a line where the performance of threshing and corn shredding ceases to be primarily an individual undertaking and becomes a commercial enterprise. It cannot be discovered from an examination of the act how much work must be done for hire before a person ceases to be merely a farmer and becomes engaged in a commercial enterprise.

However, besides this objection there are other reasons for my veto. It has been the established policy of Illinois to exclude from the Compensation Act as extra hazardous employments all work carried on upon farms and country places. The approval of this bill would be the beginning of a departure from this established policy of our State.

At the present time, there is nothing to prevent persons operating threshing machines, corn shredders, et cetera, from electing to come under the provisions of the Compensation Act. They may bind themselves by the provisions of that Act, if they so desire. This bill, if approved, would force them automatically under the Act without the right of escaping from its provisions, if they so desire.

The agricultural interests of this State have been in sympathy with the law as it now stands excepting them from the extra hazardous class of employments under the Compensation Act.

For these reasons I veto and withhold my approval of this bill.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS.
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *July 2, 1923.*

To the Honorable, the Secretary of State:

I hereby file in your office House Bill Number 730, entitled "An Act to amend section 36 of Article V of 'An Act to revise the law in relation to roads and bridges,' approved June 27, 1913, as amended".

I veto and withhold my approval of this bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

This bill changes the method by which the distance of a bridge or culvert from the county line is to be measured. Heretofore, the distance has been measured by the most direct measurement, while this bill amends the law so as to provide for measuring the distance by following the highway until it crosses the county line. In preparing this bill, it is manifest that no provision is made for a culvert or bridge which lies upon a highway parallel to a county line. There might be a highway parallel to a county line but within a very few rods of the line. Under the provisions of this bill, the distance to the county line would have to be measured by following the middle of the road which, under the case supposed, would never cross the county line although the bridge itself might be only four or five rods from the line.

This method, therefore, would provide for the joint payment of bridges and culverts upon highways which cross the county line, but makes no provision for the joint payment of bridges and culverts which are close to the county line but are on a highway which does not intersect the county line. For these reasons, I veto this bill.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *July 2, 1923.*

To the Honorable, the Secretary of State:

I hereby file in your office House Bill Number 736, entitled "An Act to amend section 3 of 'An Act for the assessment of property and providing the means therefor, and to repeal a certain Act therein named.' approved February 25, 1898, as amended".

I veto and withhold my approval of this bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office with my objections, which are as follows:

This bill amends section 3 of the Revenue Act of 1898. The same section is amended in a different manner by House Bill Number 125.

As the approval of both bills would cause confusion in the statutes, I have vetoed this bill.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *July 2, 1923.*

To the Honorable, the Secretary of State:

I hereby file in your office House Bill Number 772, entitled "An Act to add sections 12a, 12b, 12c, 12d, 12e, 12f and 12g, to 'An Act in relation to State finance,' approved June 10, 1919, as amended."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

This bill requires the Auditor of Public Accounts on or before September 30 of each year to print and publish a detailed statement of all expenditures from the State Treasury, except those made for the operation and maintenance of the University of Illinois and except payments for soldiers' bonus. It is required that this list be printed and that five hundred copies of the list be distributed and there is appropriated the sum of $40,000 to carry out the Act.

This is an entirely unnecessary expenditure of public moneys. The Auditor of Public Accounts of Illinois is a public officer and the custodian of public records. Every expenditure of money is recorded in his office and the original vouchers and checks evidencing the payment of moneys are there on file. Any person who for the advancement of the public welfare desires to see, examine or inspect any of the records or documents in that office has the right to do so. I have been assured that the Auditor of Public Accounts refuses no one information who is entitled to it in the interest of the public weal.

At the session which has just passed the appropriation committees of the various Houses were given free access to all payrolls in all offices under the control of the Governor; and when a demand was made for payrolls of the

departments whose directors are appointed by the Governor, every payroll and voucher was tendered to the committee of the House. At any time that the information may be needed or becomes important, and is seriously requested by public officers who have a serious duty to perform, the information will be forthcoming and will be gladly furnished.

But taxes are already so high that there can be no justification in expending $40,000 to satisfy idle curiosity.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *July 2, 1923.*

To the Honorable, the Secretary of State:

I hereby file in your office House Bill Number 775, entitled "An Act to amend section 6 of 'An Act to revise the law in relation to attorneys and counselors', approved March 28, 1874, as amended".

I veto and withhold my approval of this bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office with my objections, which are as follows:

This bill, if it became a law, would prevent an attorney whose name has been stricken from the roll of attorneys from practicing as an attorney or counselor in courts of justices of the peace.

Who may or may not practice as an attorney in the courts is a question over which the Supreme Court of this State has assumed exclusive jurisdiction, and I believe that the passing of this measure is an encroachment upon the power of the judicial branch of our government.

The question of whether a disbarred attorney may practice before a justice should be left to the Supreme Court of our State.

I therefore veto House Bill Number 775.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
SPRINGFIELD, *July 2, 1923.*

To the Honorable, the Secretary of State:

I hereby file in your office House Bill Number 787, entitled "An Act to amend section 13 of 'An Act to revise the law concerning the time of holding the terms of circuit court and of the calling of juries in the several judicial circuits, exclusive of Cook County,' approved June 23, 1915."

I veto and withhold my approval of this Bill. The General Assembly by its adjournment having prevented the return of this bill to the House in which it originated within ten days (Sundays excepted) after its presentation to me, the same is filed in your office, with my objections, which are as follows:

Earlier in the session House Bill 168 was passed and approved. This bill attempted to change the time of holding court in Iroquois county. The present bill, House Bill 787, attempts to restore the time of holding court as it existed before the passage and approval of House Bill 168.

I understand that it is the theory that House Bill 168 was unconstitutional as a violation of Article VI of Section 14 of the Constitution of this State. If that was true, House Bill 168 may be disregarded and the terms of court may be held at the times provided in the statute as it stood before that bill was passed. On the other hand, if House Bill 168 is valid, there is no reason why the time should be changed back to what it was before the enactment of that law.

Consequently, if House Bill 168 is invalid, this bill is unnecessary and if it is valid, this bill should not be permitted to change the time of holding court as established in House Bill 168.

For these reasons I veto this bill.

Respectfully submitted,

LEN. SMALL, *Governor of Illinois.*

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